

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA  
EASTERN DIVISION

-----  
NUHN INDUSTRIES, LTD.,  
Plaintiff,  
-vs- Case No. 3:22-CV-00015-SMR-HCA  
BAZOOKA FARMSTAR, LLC,  
Defendant.  
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\* \* \* \* \*  
VIDEO DEPOSITION OF ANSGAR LONNEMANN  
TAKEN ON THE 6TH DAY OF SEPTEMBER, 2024  
AT 9:07 A.M.  
REMOTELY VIA ZOOM

\* \* \* \* \*  
Taken before Shannon Caflisch, RPR

APPEARANCES:

SCOTT YACKEY, of the firm of HARNESS IP, 2801 Network Boulevard, Suite 600, Frisco, Texas 75034, appeared remotely via Zoom representing the Plaintiff.

MICHAEL KELLA, of the firm of HARNESS IP, 7700 Bonhomme Street, Suite 400, Clayton, Missouri 63105, appeared remotely via Zoom representing the Plaintiff.

TAYLOR R. STEMLER, of the firm of MERCHANT & GOULD, P.C., 150 South Fifth Street, Suite 2200, Minneapolis, Minnesota 55402, appeared remotely via Zoom representing the Defendant.

ALSO PRESENT: Dave Young - videographer

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DEFENDANT'S EXHIBITS

- Exhibit 33 Declaration of Ansgar Lonnemann
- Exhibit 34 IPR brochure
- Exhibit 35 Product manual
- Exhibit 36 Parts list

Exhibit 37 Hydraulic diagram

Exhibit 38 2010-06-18 offer

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PLAINTIFF'S EXHIBITS

Exhibit 1 Defendant's Revised Notice of Deposition of  
Ansgar Lonnemann

Exhibit 2 Translation declaration of Beverly Santamaria

\* NOTE \*

(Original exhibits were attached to original transcript;  
copies to transcript copies.)

1 VIDEOGRAPHER: Good morning. We're going on  
2 the record at 9:07 a.m. on September 6, 2024.  
3 Please note this deposition is being conducted  
4 virtually. Quality of recording depends on quality  
5 of camera and Internet connection of participants.  
6 What is seen from the witness and heard on the  
7 screen is what will be recorded. Audio and video  
8 recording will continue to take place, unless all  
9 parties agree to go off the record.

10 This is Media Unit 1 of the video recorded  
11 deposition of Ansgar Lonnemann taken by counsel for  
12 the plaintiffs (sic) in the matter of Nuhn  
13 Industries, Limited versus Bazooka Farmstar, LLC  
14 filed in the United States District Court, Southern  
15 District of Iowa, Eastern Division, Case No.  
16 3:22-CV-00015-SMR-HCA.

17 My name is Dave Young and I'm the  
18 videographer. Our court reporter today is Shannon  
19 Caf -- Caflisch. We're both representing Veritext  
20 Legal Solutions. I am not related to any party in  
21 this action, nor am I financially interested in the  
22 outcome.

23 If there are any objections to this  
24 proceeding, please state them at the time of your  
25 appearance. Will counsel now state their

1 appearances and affiliations for the record,  
2 beginning with the noticing attorney?

3 MR. STEMLER: This is Taylor Stemler appearing  
4 on behalf of Bazooka Farmstar, LLC.

5 MR. YACKEY: This is Scott Yackey from the law  
6 firm of Harness IP on behalf of Plaintiff Nuhn  
7 Industries, Limited.

8 VIDEOGRAPHER: And will the court reporter  
9 please swear in the interpreter and then the  
10 witness and then we can proceed?

11 (Ruth Boggs was sworn to interpret German into  
12 English and English into German.)

13 ANSGAR LONNEMANN,  
14 after having been first duly sworn on oath by  
15 Shannon Caflisch, deposes and testifies as follows:

16 MR. YACKEY: Hey, Taylor, real quick before  
17 you get started. I just want to note for the  
18 record that Bazooka has agreed to equitably to  
19 split the time today. So I expect us to be  
20 afforded the three-and-a-half hours to question the  
21 witness today. That's per our prior email  
22 exchanges.

23 MR. STEMLER: Thanks, Scott. Those prior  
24 email exchanges were in reference to a different  
25 deposition that was noticed in Europe where we

1           agreed to use the deposition for the IPRs and the  
2           litigation, or at least we were seeking agreement  
3           on behalf to use the -- the deposition testimony in  
4           both proceedings.

5           This is a different deposition that has been  
6           noticed in the United States. However, we do  
7           intend to afford plaintiff, you know, ample  
8           opportunity to question the witness. And, you  
9           know, the general intent to hope to split the time  
10          as equitably as possible.

11          Are we otherwise all ready to start?

12          MR. YACKEY: Yes.

13          THE WITNESS: I'm ready to start, yes.

14                               EXAMINATION

15   BY MR. STEMLER:

16   Q     Good morning.

17                               (The witness and interpreter are having a  
18                               conversation in German.)

19          THE WITNESS: Okay. Perfect. Thank you.

20   Q     (By Mr. Stemler, continuing) Good morning, Ansgar.  
21           Could you please state your full name for the record?

22   A     Good morning. I'm -- my name is Ansgar Lonnemann.

23   Q     And, Ansgar, have you ever been deposed before? Have  
24           you ever done a deposition before?

25   A     Never. No. Never. It's the first time. No.

1 Q Well, thank you for coming and, you know, appearing for  
2 this deposition. I -- you know, I understand you just  
3 took an oath. Do you understand what that oath means?

4 A Yes.

5 Q Do you understand that that oath has the same force and  
6 effect as if you were in a courtroom in front of a judge  
7 or a jury?

8 A Yes. I understand, yes.

9 Q During today's deposition, I'll do my best to make my  
10 questions clear. If you do not understand me, please go  
11 ahead and ask me to rephrase the question or feel free  
12 to ask our interpreter that we have on the line here  
13 today to translate the question into Germany (sic).

14 Does that make sense?

15 A Yes, that makes sense. I understand, yes.

16 Q Okay. You know, as we -- as I believe you know, it's  
17 important for our record that because everything is  
18 being written down here today, that you answer audibly  
19 with, you know, a yes or no as appropriate, rather than  
20 a head shake.

21 Does that make sense?

22 A Yes.

23 Q Okay. Ansgar, is there any reason that you cannot give  
24 fair and accurate testimony today?

25 A No. I -- I feel good. I'm -- I'm healthy. Everything

1 is fine.

2 Q Good.

3 Well, how about we get right into it? And the  
4 first document that I'd like to show you today is marked  
5 as Defendant's Exhibit 33 in Exhibit Share.

6 I should be sharing it up on the screen right now.  
7 Do you see that?

8 A Yes, I can see it, but maybe you can make it look  
9 bigger, because --

10 Q Yeah.

11 A Yes, now I can see it.

12 Q Is that better now?

13 A Yes. I can see it, yes.

14 Q Okay. Have you seen this document before?

15 A Yes.

16 Q What is it?

17 A It is my declaration -- declaration. So I made it some  
18 months before and I did it in German, and so then they  
19 translated it in English and I signed it and, yeah,  
20 that's it.

21 Q Do you understand what this declaration says?

22 A Yes. I made this document in German in my -- my main  
23 language and then it was translated in English. But I'm  
24 familiar -- I know what -- what this document -- what is  
25 in this document. I know that, yes.

1 Q Do you understand the English words that are written in  
2 this document?

3 A I understand these English words, yes.

4 Q As they're written in English?

5 A Maybe there are some words -- some English words what's  
6 not clear, but I know what is -- what is inside this  
7 declaration, yes.

8 Q Is this your signature --

9 A Yes, that's my signature. Right.

10 Q -- at the end of Page 7 of this declaration?

11 A Yes.

12 Q I'm going to ask you a few questions about the content  
13 of your declaration.

14 A Okay.

15 Q First, where is it that you are employed, Ansgar?

16 A So at the moment I'm sales manager at Berky, and I've  
17 been employed by Berky from November the 1st, 2015 to  
18 now.

19 Q Where were you employed before that?

20 A Between February the 1st from 2011 to October 31, 2015,  
21 I was employed by Senwatec-Schröer Umwelt  
22 Gewassertechnologie, the short form is SenwaTec. And  
23 while at SenwaTec, I was personally involved in the  
24 design and development and production of SenwaTec's  
25 Amphi-King product and also was involved in marketing

1 efforts related to this product.

2 Q What has been the purpose of SenwaTec's marketing  
3 materials and brochures?

4 A So our proposal for SenwaTec marketing materials and  
5 brochures was to generate public interest in these  
6 products.

7 Prior to August 19, 2013, it was SenwaTec's  
8 standard business practice to make its marketing  
9 materials and brochures publicly accessible, for  
10 example, by distributing them to potential customers,  
11 distributing them to potential customers, distributing  
12 them to trade shows, and to -- to invite customers for  
13 demonstrations near our factory.

14 Q Have you heard of UD Umweltdienste?

15 A Yes. It was the first customer from -- who bought our  
16 Amphi-King. And, yes, it was UD Umweltdienste was --  
17 his name was Mr. Funck, and he used Amphi-King for  
18 pumping manure and agitating in lagoons for -- yeah.

19 Q Were SenwaTec's products ever part of any news  
20 publication?

21 A Yes. SenwaTec's amphibious vehicle produce -- product  
22 and their associated manure pumping cap -- capabilities  
23 were the subject of the new publication prior to  
24 August 19, 2013. You can see it in Exhibit A. There  
25 was -- SenwaTec appreciated its products being published

1 in new publications, because they helped to raise  
2 awareness from SenwaTec's products.

3 Q Was the Amphi-King ever featured in its customers'  
4 advertisements?

5 MR. YACKEY: Objection, lacks foundation.

6 A Sorry. I didn't understand that.

7 Q (By Mr. Stemler, continuing) You can answer it, Ansgar.

8 A Okay. The Amphi-King was also featured in its  
9 customers' advertisements, which showcased the  
10 amphibious -- amphibious and manure pumping and  
11 agitation capabilities of the Amphi-King. You can see  
12 it in Exhibit B -- B.

13 Q What was SenwaTec's practice in terms of providing  
14 materials to members of the public?

15 A So it was the standard business to -- practice to  
16 provide its marketing materials and brochures to -- to  
17 members of the public who were interested in buying or  
18 learning more about its -- yeah, you can see it in  
19 Exhibit C.

20 Q And is this the Exhibit C that you're referring to --

21 A Yes, right.

22 Q -- which is on Page Bates numbered BAZ15\_001325 of your  
23 attached to your declaration, right?

24 A Yes, right.

25 Q What company produces the Amphi-King currently?

1 A Okay. So SenwaTec, we produced the Amphi-King until  
2 2015; and then Berky bought SenwaTec with all the -- the  
3 guys working for -- for SenwaTec and with all drawings,  
4 with all products. And at the moment Berky is producing  
5 the Amphi-King.

6 Q Are you aware of any competing products to the  
7 Amphi-King?

8 A Yes. One competing product from the Amphi-King is the  
9 Truxor. And, yeah, I know the Truxor -- I saw the  
10 Truxor and I know the Truxor, yes.

11 Q How long has the Truxor vehicle been a competing product  
12 to the Amphi-King?

13 A It was --

14 MR. YACKEY: Objection, lacks foundation,  
15 calls for speculation.

16 Q (By Mr. Stemler, continuing) You may answer, Ansgar.

17 A So the Truxor was competing with us from -- from the  
18 outset, from -- it was before August 2013. It was from  
19 2011 I started at SenwaTec, so it was a competi --  
20 competitor.

21 Q Are you aware of any products that the Amphi-King is  
22 similar to?

23 A Yes, the Truxor. The Amphi-King is -- yes, the Truxor  
24 is near the same product.

25 Q What are some of the similar things that the Amphi-King

1 and the Truxor product have in common?

2 MR. YACKEY: Objection, lacks foundation,  
3 calls for speculation.

4 THE INTERPRETER: So they're both amphibious  
5 vehicles.

6 THE WITNESS: Right. So you can adopt --  
7 attach working tools in front of the -- the -- with  
8 the boats.

9 Q (By Mr. Stemler, continuing) Okay. Turning to Exhibit A  
10 that you mentioned before, can you tell me the date of  
11 that document and what it depicts?

12 A The date was August 25 in 2011. And it was a newspaper  
13 article, and it shows the Amphi-King with some  
14 attachments in use.

15 Q When -- when did that document publish?

16 MR. YACKEY: Objection, lacks foundation,  
17 calls for speculation.

18 A It was in 2011.

19 Q (By Mr. Stemler, continuing) Was it publicly available  
20 at that time?

21 MR. YACKEY: Objection, calls for speculation,  
22 lacks foundation.

23 A Yes. Yes, it was.

24 Q (By Mr. Stemler, continuing) Did you ever see that  
25 document back when it was published?

1 A Yes.

2 Q Can you tell me about that?

3 A Yeah, we make the demonstrations with -- we invite  
4 customers and we give them and we -- we --

5 THE INTERPRETER: We disputed these documents  
6 to customers, we did presentations, and also at  
7 exhibitions we distributed them.

8 Q (By Mr. Stemler, continuing) Have you seen this document  
9 before, Ansgar?

10 A Yes, I have seen this document before. Yes.

11 Q Did you see this document back -- back when it  
12 published?

13 A Yes.

14 Q Before 2013?

15 A Yes.

16 Q Did anybody show that document to you?

17 THE INTERPRETER: You mean the photograph that  
18 we just saw?

19 Q (By Mr. Stemler, continuing) Yeah, the newspaper  
20 article.

21 A Yes, yes, yes. My -- my boss, Mr. Rainer Schröder,  
22 showed me this picture, yes, yes.

23 Q Was he excited about it?

24 A No. He was very happy about it, of course.

25 THE COURT REPORTER: Could I just get you to

spell your boss's name?

THE WITNESS: My boss was Mr. Rainer Schröer.

THE COURT REPORTER: Could you spell it?

THE INTERPRETER: S-c-h --

S-c-h-r-o-e-d-e-r (sic).

THE WITNESS: Rainer, r-e, yeah.

THE INTERPRETER: First name R-a-i-n-e-r.

THE COURT REPORTER: Thank you.

THE WITNESS: He was the owner from SenwaTec.

Q (By Mr. Stemler, continuing) Ansgar, you mentioned Exhibit B earlier. I can scroll down and show you Exhibit B again. But can you describe to me what Exhibit B shows?

A Yes. It is a screenshot of marketing video created by UD Umweltdienste, so -- that shows the Amphi-King pumping manure and agitating in a manure lagoon.

THE INTERPRETER: Basically it's a slurry and -- that becomes hard and then they use the Amphi-King to loosen that and to pump it -- make it liquid and pump it.

THE WITNESS: Right.

Q (By Mr. Stemler, continuing) When was that document of Exhibit B created?

MR. YACKEY: Objection, lacks foundation, calls for speculation.

1 A It was in 2012.

2 Q (By Mr. Stemler, continuing) Where was that document  
3 saved back in 2012?

4 MR. YACKEY: Objection, calls for speculation,  
5 lacks foundation.

6 A It was at SenwaTec, the company SenwaTec.

7 Q (By Mr. Stemler, continuing) Where -- where at SenwaTec?

8 A It was on -- on the computer. On -- my boss did it,  
9 Mr. Rainer Schröder did it.

10 Q What does the video of Exhibit B show?

11 MR. YACKEY: Objection, calls for speculation,  
12 lacks foundation.

13 THE INTERPRETER: Can you show the video?

14 Q (By Mr. Stemler, continuing) Yeah.

15 A So that one -- yeah. So that shows the Amphi-King  
16 with -- with six wheels and -- so it goes back in there  
17 the lagoon and for work in there for --

18 THE INTERPRETER: In order to --

19 THE WITNESS: Can you scroll to the second  
20 picture?

21 MR. STEMLER: And for the record, I'm  
22 pointing --

23 THE INTERPRETER: Let's break it up --

24 THE WITNESS: Okay.

25 THE INTERPRETER: Yep, let's break it up so I

1 can --

2 MR. STEMLER: Yep.

3 THE WITNESS: Yeah.

4 THE INTERPRETER: -- say everything correctly.

5 (The interpreter now interpreting the answer.)

6 THE INTERPRETER: In the first picture you see  
7 the Amphi-King, how it drives into the lagoon and  
8 the sludge, the slurry is compact. And then in the  
9 second picture, you see how it loosens it and it is  
10 made fluid.

11 THE WITNESS: Right.

12 MR. STEMLER: For the record, that first  
13 picture is on Page BAZ15\_0001319. And that second  
14 picture is the top picture shown on Page  
15 BAZ15\_0001320.

16 Q (By Mr. Stemler, continuing) Ansgar, does that video  
17 truthfully and accurately describe the characteristics  
18 and functionality of the Amphi-King video -- or of the  
19 Amphi-King product?

20 A Yes.

21 Q Do you know if that video was publicly accessible?

22 MR. YACKEY: Objection, lacks foundation,  
23 calls for speculation.

24 A Yes, it was. You could see it in the Internet.

25 Q (By Mr. Stemler, continuing) When?

1 A When? It was in 2012.

2 Q Do you know if UD Umweltdienste distributed the video to  
3 the public?

4 MR. YACKEY: Objection, lacks foundation,  
5 calls for speculation.

6 THE INTERPRETER: Yes, the video was provided  
7 by UD Umweltdienste.

8 Q (By Mr. Stemler, continuing) When was that video shown  
9 by UD Umweltdienste?

10 A It was --

11 MR. YACKEY: Objection, vague.

12 A It was in 2012.

13 Q (By Mr. Stemler, continuing) All right. Turning to  
14 Exhibit C that you mentioned earlier, Ansgar, can you  
15 describe what Exhibit C is?

16 THE INTERPRETER: So that's the picture below.  
17 If you keep scrolling a little bit, then I can see  
18 it, too.

19 A Oh, there. That -- that shows the Amphi-King. This  
20 is -- the Amphi-King is a track system. It is the  
21 second one we produced. This one we produce at  
22 SenwaTec.

23 And there you can see it in the first picture, I'm  
24 the driver from -- from the Amphi-King. I drive it out  
25 of the pond. In the second picture, you can see I will

drive it on the trailer. And in the third picture, you can see I'm working with a dredge pump in front of the Amphi-King in a lagoon.

Q (By Mr. Stemler, continuing) Does Exhibit C truthfully and accurately describe the characteristics and capabilities of the Amphi-King?

A Yes, yes. These pictures were made from -- from our company SenwaTec, and this is -- this describes exactly the Amphi-King, yes.

Q Was it typical for SenwaTec to provide copies of the document of Exhibit C to the public?

MR. YACKEY: Objection, lacks foundation, calls for speculation.

A Yes, it was. So we had to make advertising, so we were new in the market and we do to -- yeah, to make --

THE INTERPRETER: Yes, we had to get some attention and, you know, we had to, yeah, get attention to our product and had to advertise it.

Q (By Mr. Stemler, continuing) When did it do that?

A We did it when it was finished, so it was in 2000 -- we started in 2012 and we do develop from -- from the beginning on it.

Q Was it standard business practice to provide materials like this to the public?

A Yes.

1 MR. YACKEY: Objection, lacks foundation,  
2 calls for speculation.

3 Q (By Mr. Stemler, continuing) Was Exhibit C ever  
4 distributed at any trade shows?

5 MR. YACKEY: Objection, lacks foundation,  
6 calls for speculation.

7 A Yes, we had some --

8 THE INTERPRETER: No. Go ahead. Sorry.

9 A So we had -- we had some trade shows, yes. One was in  
10 Eisenach and it was in Germany, it was in June 2013.  
11 And one we had in Austria. And we had also  
12 demonstrations -- a lot of demonstrations near our  
13 company, it was in 2012. It was in a small river near  
14 our company. And then we had a lot of demonstrations.  
15 We invited customers -- interested customers and show  
16 the Amphi-King, how it works. And, yeah, that was our  
17 advertising.

18 Q (By Mr. Stemler, continuing) You mentioned those trade  
19 shows. Did it -- did it -- did SenwaTec distribute that  
20 document of Exhibit C at those trade shows?

21 A Yes.

22 MR. YACKEY: Objection, lacks foundation,  
23 calls for speculation.

24 Q (By Mr. Stemler, continuing) One more time, Ansgar, your  
25 answer.

1 A Yes.

2 Q And can you confirm -- you mentioned a trade show in  
3 Eisenach at Germany and in Austria. When did those  
4 trade shows take place?

5 A I don't know the exact date, but it was before 2013. So  
6 we produce the first one -- they started in 2010, we  
7 finished this in 2000 -- 2011, the first one. The  
8 second one in 2012 -- 12 with a track system. So it was  
9 before 2013.

10 Q Was -- was that Eisenach trade show in Germany, might  
11 that -- that one might have been in 2013 or -- you know,  
12 I think it -- you mentioned to me before that that maybe  
13 was in June 2013.

14 A Yes, it is. This is -- yeah, yeah.

15 THE INTERPRETER: Yes, it's possible. I don't  
16 have the exact dates in memory, but it's possible.

17 Q (By Mr. Stemler, continuing) Was it before August 19th,  
18 2013?

19 A Yes, it was.

20 Q Was the document of Exhibit C ever distributed to  
21 potential clients?

22 MR. YACKEY: Objection, calls for speculation,  
23 lacks foundation.

24 A Yes.

25 Q (By Mr. Stemler, continuing) Can you tell me about when

1 and where it was given to potential clients?

2 A So it was -- we invited customers and we made  
3 demonstration and we -- we gave it to the customers in  
4 Haren in at our factory -- near our factory. Five  
5 kilometers far from our factory, or in our factory.

6 Q Was the document of Exhibit C ever distributed to  
7 members of the public?

8 MR. YACKEY: Objection, lacks foundation,  
9 calls for speculation.

10 A Yes, yes, of course.

11 Q (By Mr. Stemler, continuing) Was the document of  
12 Exhibit C kept in Berky's business records?

13 MR. YACKEY: Objection, lacks foundation,  
14 calls for speculation.

15 A Yep.

16 THE INTERPRETER: Yes.

17 THE WITNESS: Yes.

18 Q (By Mr. Stemler, continuing) When was the document of  
19 Exhibit C created?

20 A It was in 2012.

21 MR. STEMLER: Great. I think we can take a  
22 quick break here. Maybe we can come back in 10  
23 minutes and go off the record. Sound good?

24 THE WITNESS: I understand. I understand,  
25 yeah. I understand.

1 THE INTERPRETER: Okay.

2 VIDEOGRAPHER: We are going off the record.

3 Time now is 9:39.

4 (A recess was taken.)

5 VIDEOGRAPHER: We are back on the record.

6 Time now is 9:47.

7 Q (By Mr. Stemler, continuing) Again, Ansgar, I want to  
8 ask you a couple more questions about this declaration  
9 and then we'll move on.

10 Can you see the declaration that I'm sharing?

11 A Yeah.

12 Q Ansgar, can you confirm that -- can you confirm that  
13 you've read this entire document?

14 A Yep.

15 Q And --

16 THE INTERPRETER: Yes.

17 Q (By Mr. Stemler, continuing) -- do you understand what's  
18 written in it?

19 A Yep.

20 THE INTERPRETER: Yes.

21 THE WITNESS: Yes. Sorry.

22 (Deposition Exhibit 34 was marked for  
23 identification.)

24 Q (By Mr. Stemler, continuing) All right. Ansgar, I'd  
25 like to ask you a little more about the Amphi-King in

1 particular.

2 Can you explain what versions of the Amphi-King  
3 were available for sale before 2013?

4 A Yes. We had one version, it was with wheels -- with six  
5 wheels, three on both sides, left side and right side.  
6 And the other version was -- was a track system.  
7 You can see it in the picture.

8 The one in water is with the wheel system. It was  
9 the first one. And the second one we produced was with  
10 a track system. So that was the main difference between  
11 these both boats.

12 MR. STEMLER: And to clarify, I'm -- I'm  
13 marking Defendant's Exhibit 34 and showing that  
14 here.

15 Q (By Mr. Stemler, continuing) Can you explain if there  
16 were any other differences between the track and the  
17 wheeled versions of the product?

18 A So you can see the -- the wheel system, it was -- we --  
19 we adapted two pontoons, one on each side, the left side  
20 and -- and the right side, because it was not stable in  
21 the water because the wheels, they were not enough  
22 float, not enough --

23 THE INTERPRETER: Not enough push-up or --

24 or --

25 A So it was too deep in the water and it was not stable --

1       stable enough and it was not -- not able to -- to work  
2       with that one in the water. So we -- we adapted two  
3       pontoons and made it -- to make it stable in the water.

4               And the big advantage from the Amphi-King was the  
5       track system is there are pontoons -- pontoons on each  
6       side, you can see it. And the tracks are around the  
7       pontoons, and so the pontoons are for the -- yes, there  
8       you can see it. The pontoons are for the stability in  
9       the water. So that one does need these extra pontoons.

10    Q    (By Mr. Stemler, continuing) And the pictures you're  
11       referring to, those are the -- the two pictures that are  
12       shown on the first page of this document that's labeled  
13       as DX 34, right?

14    A    Right.

15    Q    And the -- the picture on the top left shows the tracked  
16       version with those pontoons that you mentioned that are  
17       in between the tracks?

18    A    Yeah. So I'm the driver in the picture, you can see.

19    Q    Oh, sure.

20    A    With a little bit more hair, but it's --

21    Q    Other -- other than the drive systems on the product,  
22       was there anything -- were the two -- were the -- sorry.  
23       Let me rephrase that question.

24               Other than the tracked or the wheeled drive systems  
25       on the Amphi-King, were the two versions of the

1 Amphi-King generally the same?

2 MR. YACKEY: Objection, vague, lacks

3 foundation, calls for speculation.

4 A So it was nearly the same. So there were some small --  
5 so we had to -- to make some modifications, because we  
6 had -- for the first one, we had a problem with the --  
7 with the temperature inside. So you can see the  
8 cooler -- outside on the right picture, you can see the  
9 cooler on -- on the bottom. And on the left one, you  
10 can see the -- the -- yes, they're open. So that was  
11 different from these two boats for the cooling system  
12 and small things we changed.

13 But nearly in -- -- they're nearly the same. The  
14 hydraulic -- there's the same engine inside, the same  
15 hydraulic pump inside, the same valve inside, and it's  
16 nearly the same.

17 Q (By Mr. Stemler, continuing) How do you know all that?

18 A I built these boats.

19 Q Where -- what was your role in building it?

20 A So I was -- was responsible for the production at  
21 SenwaTec, and so we produced these boats. And so I  
22 built the first one. The left one I build complete, the  
23 right one not complete, but the left. So I -- I started  
24 with a plate and so that was the result, the Amphi-King.

25 So it's -- I'm so familiar with this one. It is my

1           baby. I know everything inside this -- this boat.

2       Q     Did you ever consider adding remote control to the  
3           Amphi-King?

4       A     It was an idea, but we -- we did it not at SenwaTec, we  
5           did it later at -- at Berky. But we -- we sold this one  
6           to -- to China, because in Germany it was not allowed at  
7           that moment.

8       Q     When did you sell that remote control version to China?

9       A     I think it was in 2016 or '17. I'm not sure. '16, '17.

10      Q     Ansgar, does this document labeled Defendant's Exhibit  
11           34 look familiar to you?

12      A     Yes.

13      Q     Have you seen it before? Where have you seen it before?

14      A     At SenwaTec.

15      Q     Is this document the same document that's included as  
16           Exhibit C to your declaration that we just reviewed?

17      A     Yes.

18      Q     Can you confirm, were both the tracked and wheeled  
19           versions of this product, the Amphi-King, sold before  
20           2013?

21      A     Yes.

22                   MR. YACKEY: Taylor, I'd like to note for the  
23           record that the -- the Bates label number on the  
24           bottom left-hand -- sorry, bottom right-hand corner  
25           is different in DX 34 than it is in the exhibit

1 attached to Mr. Lonnemann's declaration.

2 MR. STEMLER: Thanks, Scott.

3 Q (By Mr. Stemler, continuing) Ansgar, aside from this  
4 label here on the bottom right of each page of this  
5 document, does this document otherwise appear to be the  
6 exact same document that's included as Exhibit C to your  
7 declaration?

8 THE INTERPRETER: Yeah. So I didn't just read  
9 through the whole thing and I don't know. Maybe  
10 there's a different period or comma. But, yes, it  
11 shows the same thing.

12 Q (By Mr. Stemler, continuing) Ansgar, do you know who  
13 made this document?

14 A Yes, this -- this document was made by my -- my boss,  
15 Rainer Schröder, in combination of Ronald Otte. Ronald  
16 Otte was the engineer at SenwaTec at that moment.

17 And, yeah, so we -- I was involved, but I was not  
18 responsible to make this -- these documents at the  
19 computer, so I gave them then the pictures, I gave them  
20 tips, we -- we talked about it, and then they made this  
21 document.

22 Q Do you know how --

23 THE COURT REPORTER: Could you spell the  
24 engineer's first and last name?

25 THE INTERPRETER: It's Ronald, R-o-n-a-l-d;

1           Otte, O-t-t-e.

2           THE WITNESS: Yes, right.

3           THE INTERPRETER: Otte, O-t-t-e.

4           THE WITNESS: Yep.

5       Q     (By Mr. Stemler, continuing) Ansgar, do you know how the  
6           creators of this document, those two gentlemen that you  
7           just mentioned, do you know where they got the  
8           information to include in this document?

9           MR. YACKEY: Objection, calls for speculation,  
10          lacks foundation.

11     A     These -- these information are from SenwaTec. So we  
12           build these boats, and so we had all information for  
13           these documents.

14     Q     (By Mr. Stemler, continuing) Were those gentlemen  
15           involved in building the boat with you?

16     A     Yes.

17     Q     Ansgar, when was this document made?

18     A     This document?

19     Q     Yep.

20     A     This one, it was -- it was in 2012.

21     Q     Did SenwaTec regularly provide information about its  
22           products to its customers?

23     A     Yes.

24           MR. YACKEY: Objection, lacks foundation,  
25          calls for speculation.

1 Q (By Mr. Stemler, continuing) Did you ever provide  
2 information about SenwaTec's products to its customers?

3 A Yes.

4 Q Was this document created to provide information to  
5 SenwaTec's customers?

6 MR. YACKEY: Objection, lacks foundation,  
7 calls for speculation.

8 A Yes.

9 Q (By Mr. Stemler, continuing) Is it normal for SenwaTec  
10 to prepare brochures as part of providing information to  
11 its customers?

12 A Yes.

13 MR. YACKEY: Objection, lacks foundation,  
14 calls for speculation.

15 A It was normal, because we had to -- to give these  
16 informations to our customers. And so it -- we -- we  
17 gave them these documents for all information they need,  
18 yeah.

19 Q (By Mr. Stemler, continuing) Ansgar, do you know where  
20 this document was stored?

21 A Yes, it was at SenwaTec in the company.

22 Q And do you know what happened to SenwaTec's documents  
23 when SenwaTec was purchased by Berky?

24 A Yes. All documents goes to -- or went to -- to Berky,  
25 because Berky bought SenwaTec. And all documents and

all drawings and all technical parts and all experience goes over to Berky. All people that work for -- work at the moment for SenwaTec goes to Berky.

VIDEOGRAPHER: Ansgar, could we move that camera down a little bit? You're -- you're cutting your mouth off and stuff. Thank you.

THE WITNESS: Okay. Now I'm near, because the -- the letter (sic) was not so loud. I can -- can understand it not. So that's the reason why I'm so near the laptop, so that's it.

MR. STEMLER: I'll try to speak loud.

THE WITNESS: Yeah. No problem. Okay.

MR. STEMLER: I'm preparing to introduce another exhibit.

THE WITNESS: Okay.

(Deposition Exhibit 35 was marked for identification.)

Q (By Mr. Stemler, continuing) Ansgar, can you see the document labeled on my screen?

A Yes.

Q All right. I'm showing Exhibit -- Defendant's Exhibit 35.

Ansgar, do you recognize this document?

A Yeah. Yes.

Q What is it?

1 A It shows the Amphi-King with a -- with a wheeled system.

2 Q Oh, I'm sorry.

3 A And the driver is Mr. Funck. He was --

4 THE INTERPRETER: Employee.

5 A -- from UD Umweltdienste. He bought the first  
6 Amphi-King.

7 Q (By Mr. Stemler, continuing) What is this document that  
8 I'm showing you?

9 A So it's a manual from the -- the -- the Amphi-King. It  
10 shows how to -- to use it, the spare parts and  
11 everything.

12 Q How do you know that?

13 A I saw this one at SenwaTec.

14 Q Do you know who made this document?

15 A This document was made from Mr. Rainer Schröer and  
16 Ronald Otte.

17 Q Do you know when they made this document?

18 A This document, it was in 2012. We finished the boat in  
19 2012, so it was in 2012, yes.

20 Q Do you know what the source of the information in this  
21 document is?

22 A Okay. So it is SenwaTec. So it is from our company --  
23 from our ex-company.

24 Q Do you know who specifically provided the information  
25 for this document?

1 A Rainer Schröer.

2 Q And he was involved in creating the Amphi-King?

3 A Yes. He was the boss.

4 Q Did SenwaTec regularly provide information about its  
5 products to its customers?

6 MR. YACKEY: Objection, lacks foundation,  
7 calls for speculation.

8 A Yes.

9 Q (By Mr. Stemler, continuing) Was this document created  
10 to provide information about the Amphi-King to  
11 SenwaTec's customers?

12 A Yes.

13 Q Is it normal for SenwaTec to prepare product manuals for  
14 its customers?

15 MR. YACKEY: Objection, lacks foundation,  
16 calls for speculation.

17 A Yes.

18 Q (By Mr. Stemler, continuing) Do you know where this  
19 document was stored?

20 A Yes, it was in our company at SenwaTec. Yeah.

21 Q Where in your company?

22 A So it was in the office from -- from my boss.

23 Q And in his files?

24 A Yes, it was near -- so it was -- there was two rooms.

25 It was -- it was the office from -- from my boss and the

1 room next to. So there was a door, and in that room we  
2 had all advertising materials. And so these material  
3 was also there, yes.

4 Q And were those materials -- what happened to those  
5 materials after SenwaTec was purchased by Berky?

6 A So all of these materials goes over to -- to Berky. So  
7 we had it also on the computer at that time, and these  
8 -- all these informations goes to Berky.

9 Q You mentioned the individual shown in this picture.  
10 Could you explain who that is?

11 A That's Mr. Funck.

12 Q What's his full name?

13 A So, hmm, I'm not -- I think it's -- it's -- no, I'm not  
14 sure. I know his second name was Funck, but first name,  
15 so --

16 Q That's okay.

17 A I do not -- I don't remember.

18 Q Do you remember where Mr. Funck worked?

19 A Yes. He works for UD Umweltdienste.

20 Q Did you -- did you ever do repairs on that vehicle that  
21 UD Umweltdienste purchased?

22 A Yes, very often. Because -- so it was a prototype and,  
23 yeah, in combination with Mr. Funck. So he gives us  
24 tips, he said, okay, we have to -- to make it stable in  
25 the water. The first point that you see was of the

1 pontoon. At one point it was a cooler. And we -- we  
2 put the engine a little bit wider in -- in back because  
3 it's stable in the water.

4 And there are small things we repaired, yes,  
5 modifications. It was not repair, it was modifications.

6 Q Did you enjoy doing repairs and modifications on the  
7 Amphi-King that UD Umweltdienste purchased?

8 A Enjoy? No. No. Because this one was -- it was very,  
9 very dirty. So he works in -- in -- in -- in --

10 THE INTERPRETER: No, because it was very  
11 messy. It was working in sludge.

12 A So if this device came to our factory, so first we had  
13 to clean it with -- with water and everything, and then  
14 we could start working, because it was -- it smelled not  
15 so good. It was -- yeah.

16 Q (By Mr. Stemler, continuing) And what kind of sludge did  
17 they work in with it?

18 A This one, it was -- it was in -- in shit.

19 THE INTERPRETER: Feces.

20 THE WITNESS: Okay. So that's a better word.  
21 Now, it was very funny sometimes. You know, when  
22 you work with this one, so the water is --  
23 sometimes it comes up and you have the water in  
24 your face. And so Mr. Funck came to UD  
25 Umweltdienste and said go out here, take a shower,

1 because you smell not so good. So it was -- it was  
2 very funny with this guy.

3 Q (By Mr. Stemler, continuing) How -- do you have any idea  
4 how long they had been using it in feces for?

5 A Oh, this one, I think it -- it works now. I think --

6 THE INTERPRETER: I think it's still in  
7 operation. I think it's working now.

8 Q (By Mr. Stemler, continuing) So, I mean, is it safe to  
9 say that you were doing repairs on this vehicle for  
10 several years after you sold it to them?

11 A Yes, yes.

12 Q Is it fairly normal for you to do repairs and service  
13 the Amphi-King vehicles for customers?

14 A It was normal for me at the moment, so I'm -- I switched  
15 over to sales. But in that case, it was normal for me  
16 to -- to make repairs with -- with our guys in the  
17 company, yes.

18 So I was not -- I -- I controlled the repair. I  
19 was not the one who -- yes, I fix it with my guys, but I  
20 was -- I was the boss from the -- the -- when I was the  
21 boss from the production, so I had guys and we did it  
22 together, yep.

23 Q I'm scrolling down to the third page of this document  
24 with -- can you show me -- can you tell me what's listed  
25 here on this page? What's shown here on this page,

1           Ansgar?

2       A     Can you make it a little bit bigger?

3       Q     Yeah. Does this look like a Table of Contents to you?

4       A     Yeah. Yes, yes, it is, yeah.

5       Q     Can you read to me the last three lines of this Table of  
6           Contents?

7       A     The first part is a spare part list, the second part is  
8           the hydraulic plan, and the third part is the electronic  
9           plan.

10      Q     And are those additional documents that describe the  
11           components of the vehicle?

12      A     Yes.

13      Q     I'm scrolling to Page 4 that lists -- what shows  
14           technical information for the vehicle.

15      A     Yeah.

16      Q     Does this look to truthfully and accurately describe the  
17           Amphi-King vehicle, Ansgar?

18      A     Yes.

19      Q     Does this document generally, truthfully, and accurately  
20           describe the vehicle?

21      A     Yes.

22      Q     And that's the Amphi-King vehicle, right?

23      A     That's the Amphi-King, yes, right, with the track  
24           system. This one is with a track system, yeah.

25      Q     I'm scrolling to Page 5 now. And looking at the picture

1 of the -- the schematic picture of the Amphi-King shown  
2 at the top in the middle of the document, Ansgar, do you  
3 see this component shown kind of in the top left of the  
4 vehicle?

5 A Yes, yes, I see. Yes.

6 Q What is that?

7 A It's the outrigger. So it's adapted in front of the  
8 Amphi-King. And the outrigger -- in front of the  
9 outrigger, there we can adapt the -- the attachments,  
10 the working tools for -- yeah, for working in the water.

11 Q What were some of those attachments?

12 MR. YACKEY: Objection, lacks foundation,  
13 calls for speculation.

14 A So the attachments is for working in -- in the water.  
15 So you can adapt a cutter, you can adapt a bucket, you  
16 can adapt a dredge pump, you can adapt a rake, side  
17 cutter. So it's --

18 Q Where would you connect the dredge pump on the  
19 outrigger?

20 A The dredge pump you can adapt -- you see what is -- what  
21 is the flange for implement. So, yes, that's the plate  
22 or the point where you can adapt the dredge pump.

23 Q Where the arrow for flange for implement is pointing?

24 A Right. Right. Exactly. Yes.

25 Q Can you explain how this outrigger could rotate or move?

1 A Yes. There is a rotator between the vessel -- the  
2 vessel and the boom. So there's a rotator, and you can  
3 rotate it 360 degrees around. And with -- with the  
4 cylinders, you can lift it up and down. It's like --  
5 it's the same like a small excavator.

6 Q Could this -- could the first arm that's connected to  
7 the vehicle here on the right side of the outrigger,  
8 could that be pivoted so that it would lie flat against  
9 the deck of the vehicle?

10 A Yes.

11 MR. YACKEY: Objection, foundation, calls for  
12 speculation.

13 Q (By Mr. Stemler, continuing) And when that right arm is  
14 lying flat, could the outrigger still be folded in the  
15 same way that it's shown in this drawing so that the  
16 second arm, which is connected to the first arm, would  
17 be folded next to that first arm?

18 MR. YACKEY: Objection, vague, calls for  
19 speculation, lacks foundation.

20 THE INTERPRETER: The -- the part on the  
21 left-hand side would have to be extended or  
22 otherwise it would break off. You have to -- you  
23 have to extend it and then you can also go under  
24 the boat with it.

25 Q (By Mr. Stemler, continuing) I see. And when you say

1       you can go under the boat with it, do you mean that  
2       this -- this -- the end of the second arm, which is  
3       labeled Flange for implement, that can be positioned  
4       under the boat?

5       A    Yes. Because you need -- you have to go on the boat,  
6       you have to go in the water. Because if -- if you were  
7       to attach the dredge pump, you have to put it on the  
8       ground in the river or in the lake to -- to pump up the  
9       sediment.

10      Q    Okay. That -- that outrigger, as we've just discussed,  
11      that was present on both the tracked and wheeled  
12      versions of the vehicle, right, Ansgar?

13      A    Yes, right.

14      Q    I'm -- I also see here that there's a -- what's --  
15      what's labeled as a pontoon. Can you describe what that  
16      is, Ansgar?

17      A    Yes. That's a pontoon. It is adapted on -- on the left  
18      side and on the right side. There is a closed -- yes,  
19      so there's air inside and gives the stability in the  
20      water and the --

21                   THE INTERPRETER: And the -- the rise, that it  
22                   can rise up.

23                   THE WITNESS: Yeah.

24      Q    (By Mr. Stemler, continuing) All right. I'm going to  
25      scroll down, Page 29 of this document.

1 All right. Ansgar, can you describe what's shown  
2 here on Page 29?

3 A So this page describe if you have a problem. So it's  
4 for you if you were -- have a problem, you can check  
5 this list and you -- you can try to find the mistake.

6 Q Can you describe what's shown on -- oh, sorry, Ansgar.

7 A Yeah, no problem.

8 Q Could you describe --

9 A Oh, okay.

10 Q -- what's written on the first line?

11 A Yeah, the first -- describe if the hydraulic system is  
12 not working properly. So what -- what the case can --  
13 can be.

14 So the first one is there's no oil, gate valves are  
15 closed. So there is a gate valve, is a valve. You have  
16 to sit -- so it's for -- for the safety. It's a rule in  
17 Germany if you stand up. So the gate valve is open, so  
18 it doesn't work.

19 So you have to sit, it's for safety. That's the  
20 first point. And the second point is very stupid, it's  
21 there's no oil in the tank. Oil is forming -- yes, the  
22 oil -- if you do -- if you fill two different oils  
23 inside, so maybe there is a -- it's a foaming or there  
24 is a leakage in the -- in the -- then there is --

25 THE INTERPRETER: In the suction line.

1 A Right. Then there is air in the oil and it's foaming.  
2 So that's Point C.

3 And Point D is there is a pilot generator, it is a  
4 valve. So that one gives the -- the steering oil to the  
5 joysticks. So the joysticks need steering oil. It's  
6 around about 25 power and that one gives the oil to  
7 the -- the joysticks. And if it -- if the pilot  
8 generator not working, so you have no function in the  
9 Amphi-King.

10 Q (By Mr. Stemler, continuing) Ansgar, I'd like to ask you  
11 more about the gate valve that you mentioned before.

12 Does -- where -- where in the hydraulic system is  
13 the gate valve located?

14 A So how to explain. I know where it is in the boat, but  
15 -- so it is backside in the boat, so it is --

16 THE INTERPRETER: I don't know how to answer  
17 that.

18 THE WITNESS: I know the answer.

19 THE INTERPRETER: I know the answer, but I  
20 don't know how to express it.

21 A How to explain. So I know -- I know where it is, but --

22 Q (By Mr. Stemler, continuing) Maybe let me rephrase,  
23 Ansgar.

24 A In the seat, there is electric -- electric switch in the  
25 seat. So when you sit, so there's electric signal goes

1 to the hydraulic valve. And this valve has to be -- to  
2 be -- to work and then the hydraulic system is working.

3 So if you stand up, the electric switch close  
4 this -- this one, and then the -- the valve is not  
5 working. So it's for -- for safety. It's -- it's a  
6 rule in -- in Germany. It's like every excavator. It's  
7 not a big thing, it's normal in Germany.

8 Q Does -- does the gate valve control the flow of  
9 hydraulic fluid to and from within the hydraulic system?

10 A No. This one is only for work or not work. So this is  
11 only -- it's not for controlling. For that one, the  
12 joysticks and the other valve is responsible for this.  
13 The one is the main -- the main valve for everything.

14 Q If the gate valve is closed, will hydraulic fluid throw  
15 -- flow through the hydraulic system?

16 A No.

17 Q If the gate valve is open, will hydraulic fluid flow  
18 through the hydraulic system?

19 A Yes, that's -- that's -- yeah.

20 Q And that -- that gate valve was included in both the  
21 track and wheeled versions of the vehicle, right?

22 A Correct.

23 Q Okay. Thank you.

24 I'm going to show another exhibit here. Ansgar,  
25 I'm going back to Defendant's 34 that we looked at

1           before. Do you see this document?

2       A     Yeah. Yes.

3       Q     Do you see here at the bottom of Page 2 of the document  
4           there are two pictures showing an operator pumping fluid  
5           on the Amphi-King? Do you see that?

6       A     Yes. I am the operator for these two Amphi-Kings.

7       Q     Why are you standing?

8       A     So we have to -- to fix the pump in front of the water.  
9           And so this -- this was a test. It was not a typical  
10          work for us.

11            You see there's -- on the right side, there's weed  
12          on -- on the water and we want to -- to suck it --  
13          suck --

14                   THE INTERPRETER: He wanted to suction it off  
15          and it build sort of a funnel. And in order to  
16          funnel this -- position this funnel correctly, I  
17          stood there.

18       Q     (By Mr. Stemler, continuing) Got it. So these are both  
19          showing tests of --

20       A     Right.

21       Q     -- you know, experiments that you were doing with the  
22          Amphi-King?

23       A     Right.

24       Q     I see. And you explained that there were -- there were  
25          gate valves that were normally in place that would

1           prevent you from operating the Amphi-King when standing,  
2           right?

3       A     Right. You have to --

4       Q     Why aren't these gate valves shutting down the vehicle  
5           here?

6       A     Why? What -- what's -- so -- so we made a bridge. So  
7           we -- we -- we made a connection --

8                   THE INTERPRETER: We kind of circumvented it.  
9           We bridged the electrical switch so we could work  
10          on it.

11      Q     (By Mr. Stemler, continuing) And was that so you could  
12          experiment with the vehicle?

13                   THE INTERPRETER: Yes, yes. We circumvented  
14          it in that instant so we could work on it. And  
15          then afterwards, we set the seat higher so that  
16          switch wasn't triggered anymore. But it wasn't  
17          delivered to customers like that.

18                   MR. STEMLER: Thank you. I'm getting another  
19          document ready to show you, Ansgar.

20                           (Deposition Exhibit 36 was marked for  
21                   identification.)

22      Q     (By Mr. Stemler, continuing) All right. I have up on  
23          the screen Defendant's Exhibit 36. Ansgar, do you see  
24          this?

25      A     Yes.

1 Q What is this document, Ansgar?

2 A This is a spare part list.

3 Q Is this the spare parts list that was referred to in the  
4 product manual that we just looked at?

5 A Yes.

6 Q Do you know who made this document?

7 A Yes. This document was made by -- by Rainer Schröder and  
8 Mr. Ronald Otte.

9 Q Do you know when this document was made?

10 A This one was in 2012.

11 Q Do you know where the -- the two individuals that made  
12 this document got the information for the document?

13 A We have this information in our factory, so we built  
14 this one and so we -- we -- we -- we gave all parts  
15 numbers to -- to find -- if a customer wants to -- to  
16 order parts, so we give all parts numbers and they gave  
17 us a number and then we can send spare parts.

18 Q So those -- those two gentlemen were involved in  
19 creating the product?

20 A Yes.

21 Q Is it normal for SenwaTec to provide information about  
22 its products to its customers?

23 A Yes.

24 MR. YACKEY: Objection, lacks foundation,  
25 calls for speculation.

1 Q (By Mr. Stemler, continuing) Was it normal for SenwaTec  
2 to prepare sparts -- spare parts manuals for its  
3 products for its customers?

4 A Yes, it makes it easier.

5 Q Do you know where these documents were stored?

6 A Yes, it was in our office in -- at SenwaTec.

7 Q And do you know what became of these documents after  
8 SenwaTec was purchased by Berky?

9 A Yes, all these documents goes to -- or went to -- to  
10 Berky.

11 Q Does this --

12 A Everything -- everything from SenwaTec goes to -- to  
13 Berky.

14 Q Does this document truthfully and accurately describe  
15 the Amphi-King vehicle that was sold prior to 2013?

16 A Yes.

17 So that was a boom you see in the picture before.

18 Q I'll turn back to that one in just a minute. First I  
19 wanted to look at --

20 A Yeah.

21 Q -- this picture, Ansgar.

22 A Yep.

23 Q You mentioned -- I guess, does this page -- does this --  
24 is there anything different, you know, between what's  
25 shown in this page and what was included in the

1 Amphi-King that you guys sold?

2 A This one?

3 Q Yeah.

4 A No. It's the same. That's -- yeah. Okay. So you can  
5 see we -- we changed a little bit, it's not exactly the  
6 same. I told you we made some -- some small  
7 modifications. So maybe the -- the -- the engine is in  
8 another position or the hydraulic pump is a little bit  
9 wider backside from the boat, but --

10 THE INTERPRETER: So overall it's the same.  
11 This is not a technical drawing. The motor is just  
12 indicated here. It's not an -- an assembly  
13 diagram. It's just a spare parts diagram.

14 Q (By Mr. Stemler, continuing) Yeah. Could you point out  
15 to me which of these components is the motor, Ansgar?  
16 The engine?

17 A The engine is No. 14 and 19.

18 Q And you mentioned that the position of the engine might  
19 be a little bit different than what's shown --

20 A Yes.

21 Q -- on this document?

22 A We -- we made a lot of -- not a lot of. We made some  
23 tests for -- and so if you put a boat on the water first  
24 time, so it's -- sometimes it's a very big surprise how  
25 it is in the water. So -- and -- in the front it's

1 deeper or in the back it is deeper.

2 In this case it was in the front, it was deeper.  
3 So we had to put the engine a little bit backside in  
4 the -- in the -- in the boat and so it was more --

5 THE INTERPRETER: It had a better position in  
6 the water. It was not as low in the front and it  
7 had a more stable position in the water.

8 A So there was one point and another point, so we put some  
9 counterweights back -- backside in the boat so that we  
10 -- so it was easier to handle in the water.

11 Q (By Mr. Stemler, continuing) So the -- the engine you  
12 moved back -- back in the vehicle a little bit towards  
13 the rear of the vehicle?

14 A Right.

15 Q Could you point out where the hydraulic pump for  
16 powering the wheels and the dredge pump would have been  
17 located here, Ansgar?

18 A The hydraulic pump --

19 MR. YACKEY: Objection, vague, lacks  
20 foundation, calls for speculation.

21 A -- is -- the hydraulic pump is number --

22 Q (By Mr. Stemler, continuing) Sorry. You can answer  
23 again, Ansgar?

24 A The hydraulic pump, it must be No. 18, 17, 20.

25 Q Okay. So it was -- was it connected to the engine?

1 A Yes.

2 Q How was it --

3 A Directly -- directly connected to the engine.

4 Q How was it connected to the engine?

5 THE INTERPRETER: The motor had a receptacle  
6 and the pump had a shaft, and that was inserted  
7 into the receptacle and then it was tightened with  
8 screws. It was a direction connection. There was  
9 no coupling in between -- or clutch -- coupling or  
10 clutch.

11 THE WITNESS: I don't know. I was not sure.  
12 Thank you.

13 Q (By Mr. Stemler, continuing) And to clarify, the -- the  
14 doc -- the page we've been looking at when we've been  
15 talking about the engine and the hydraulic pump, that's  
16 Page -- Page 8 of the man -- of the spare parts list,  
17 right, Ansgar?

18 A Right.

19 Q Was the position of the engine relatively the same for  
20 both the tracked and the wheeled versions of the  
21 vehicle -- of the Amphi-King?

22 A For the wheeled Amphi-King, so we mounted some pontoons.  
23 You could see it in -- in the pictures before. So then  
24 we -- we put some pontoons. And so that one we -- we  
25 don't have to -- to fix the engine in the -- in another

1 position.

2 Q So for the wheeled version, the engine was essentially  
3 right where it's shown now?

4 A Yes.

5 Q Okay.

6 A But it was only a little bit. So the position was not  
7 from the half a meter wide backside, only a little bit,  
8 some -- some centimeters.

9 THE INTERPRETER: It just moved it for a few  
10 centimeters. It's not like we moved it half a  
11 meter backwards or forwards.

12 THE WITNESS: Yeah.

13 Q (By Mr. Stemler, continuing) Thank you.

14 All right. I'm showing you Page 4 of the same  
15 document. Can you show me what's -- can you tell me  
16 what's shown here, Ansgar?

17 A Yeah, it shows the complete outrigger, including the  
18 rotator. It's No., what is it, 27. Yes, that's the  
19 rotator. And, yeah, it shows the spare parts, every  
20 part with a number. And so it was very easy for  
21 customers if they have a problem to order parts. So  
22 they gave us a number, we send the parts, and everything  
23 is fine.

24 Q Are all these labels and descriptions -- I see the  
25 descriptions for the outrigger appear to be shown on

1 the -- the following page; is that right?

2 A Right.

3 Q Are all these labels and descriptions and depictions of  
4 the outrigger true and accurate?

5 A So it was -- was the first manual. I'm -- I think  
6 it's -- 95 percent it's okay. But maybe there are small  
7 mistakes in it, that the number is wrong. But it's --  
8 it's nearly perfect, but it's -- maybe there's some  
9 small mistakes in it.

10 So look -- when you scroll -- when you see -- so  
11 No. -- 21, 23, 22, so maybe I don't know if it is  
12 exactly the same screws, but the -- the -- the main  
13 parts are right. So the small parts may be --

14 Q So you're saying there may be, you know, more or less,  
15 you know, small screws?

16 A So nobody look -- in Germany, nobody will order a small  
17 screw No. 21, 23, 22. Nobody will order it. So if they  
18 have a problem, they will order a cylinder or the boom  
19 or the rotator, the big parts. And that's -- everything  
20 is fine. But the small parts, maybe there are some  
21 small mistakes in it.

22 Q And can you -- can you point out what -- you know, what  
23 are the big parts that you see on this diagram?

24 A The main parts, so it's the rotator and the boom -- the  
25 boom, the main boom and the -- the second boom, the

1 cylinders, the bolts -- the big bolts number, what is --  
2 can you make it a little bigger?

3 Q Yeah.

4 A So No. 16, for example. But nobody will order No. 21,  
5 23, or 22. So you can find it in every shop. So it's  
6 much cheaper to buy it there. But the big parts -- or  
7 the main parts are right.

8 Q How about the parts labeled 3, 4?

9 A All these -- that's right.

10 Q And -- and the bolts labeled 16, 24, 15?

11 A Yeah. All parts we produce -- we produce in our factory  
12 at SenwaTec. All parts are right. But known parts you  
13 can buy it in every shop. So, you know, we give number  
14 and nobody will order it.

15 Q Sure.

16 A But all parts we produce at -- at SenwaTec, they are  
17 right here in this --

18 Q And the bolt 10, 17 in this --

19 A Right.

20 Q -- labeled implement socket, that all looks correct to  
21 you?

22 A Yes.

23 Q Thank you.

24 Do the remaining pages in this document, do those  
25 look to truthfully and accurately describe the

1 Amphi-King product?

2 A Yes.

3 Q Aside from, you know, minor variations and the position  
4 of the engine and the bolts?

5 A Yep.

6 Q I'm showing you Page 11. It shows the -- the chain  
7 drive pontoon.

8 A Right.

9 Q Does this -- does this figure appear to generally,  
10 truthfully, and accurately describe the components of  
11 the Amphi-King?

12 A Yeah.

13 MR. YACKEY: Objection, vague, lacks  
14 foundation.

15 MR. STEMLER: All right. I'm going to pull up  
16 another exhibit.

17 VIDEOGRAPHER: And just so you know, we've got  
18 about 10 minutes before we've got to change the  
19 media.

20 MR. STEMLER: Okay. Thank you. Maybe now  
21 would be a good time to take another break then and  
22 go off the record.

23 VIDEOGRAPHER: We are going off the record.  
24 Time now is 10:38.

25 (A recess was taken.)

1 VIDEOGRAPHER: We are back on the record.

2 This is the start to Media No. 2. The time is  
3 10:46.

4 Q (By Mr. Stemler, continuing) Hello again, Ansgar.  
5 I'm -- I'm going to show you another document.

6 (Deposition Exhibit 37 was marked for  
7 identification.)

8 Q (By Mr. Stemler, continuing) I've marked and labeled  
9 Defendant's Exhibit 34 (sic) here on the screen. Can  
10 you see that?

11 A Yes.

12 Q I'm sorry. Exhibit 37. My bad.

13 Could you explain to me what this document is?

14 A Yeah. This document shows the hydraulic parts we built  
15 in the Amphi-King, and it is -- it is only -- it is not  
16 a hydraulic plan. You cannot build an Amphi-King with  
17 this plan.

18 This is only the plan for customer to explain to  
19 them. Look, there is a track system on the right side,  
20 on the left side, and there's a valve inside, there's a  
21 pump inside. It is a very -- a very easy plan.

22 THE INTERPRETER: Very simplified hydraulic  
23 plan.

24 A Very simple. It's simple. It's not a professional  
25 hydraulic plan. It shows only the parts we build in the

1 Amphi-King.

2 Q (By Mr. Stemler, continuing) Do you know who made this  
3 document?

4 A This document was made by Mr. Rainer Schröer and  
5 Mr. Ronald Otte.

6 Q Do you know how they got the information for this  
7 document?

8 A Yes. It's from our company, because we -- we built this  
9 one. We built the Amphi-King.

10 Q Because they were -- they were involved in building it?

11 A Yes.

12 Q Did SenwaTec regularly provide information about its  
13 products to its customers?

14 A Yes.

15 MR. YACKEY: Objection, vague, lacks  
16 foundation, calls for speculation.

17 Q (By Mr. Stemler, continuing) Did SenwaTec regularly  
18 prepare diagrams for its products to give information  
19 about its products to its customers?

20 MR. YACKEY: Objection, calls for  
21 speculation --

22 A Yes.

23 MR. YACKEY: -- lacks foundation.

24 Q (By Mr. Stemler, continuing) One more time, Ansgar.

25 A Yes.

1 Q Thank you.

2 Do you know -- I guess, could you read the -- the  
3 heading at the top of the document?

4 A This one is a hydraulic plan.

5 Q I see there --

6 A It's not a hydraulic plan really. It's -- it's -- it's  
7 a picture from a hydraulic system, but it's not a plan.  
8 It's not really a plan.

9 Q Yeah, a simplified --

10 A Yes.

11 Q -- diagram?

12 A Yes, right.

13 Q Okay. Is this -- is this doc -- was this document  
14 included with the parts manual that we looked at before?

15 A Yes, it was.

16 MR. YACKEY: Objection, lacks foundation,  
17 calls for speculation.

18 Q (By Mr. Stemler, continuing) Do you -- do you know where  
19 this document was stored, Ansgar?

20 A Yes, it was in our office in -- at SenwaTec.

21 Q Do you know what became of this document after SenwaTec  
22 was purchased by Berky?

23 A Yes. So all documents goes to -- or went to Berky.

24 Q I understand that this is a simplified hydraulic  
25 diagram, but does this truthfully and accurately

1 describe the hydraulics of the Amphi-King vehicle sold  
2 before 2013?

3 A Yes.

4 MR. YACKEY: Objection, vague.

5 Q (By Mr. Stemler, continuing) Do you know what version of  
6 the product this hydraulic plan is associated with?

7 A It's the -- the track system.

8 Q And would this -- would this plan be similar for the  
9 wheeled version?

10 A Yes, it's the same.

11 Q How -- how might this plan be different for the wheel  
12 version?

13 MR. YACKEY: Objection, vague.

14 A So we have three hydraulic motors each side for the --  
15 the wheel system. So the -- the front one is driven and  
16 the back one and the one in the middle. There is  
17 also -- there's a hydraulic motor, but this one is not  
18 connected with the hydraulic system. It's only for  
19 mounting the wheel to the -- the vessel. So we -- we --  
20 it was the cheapest version to -- to put the -- the  
21 middle wheel to the vessel and -- but it is not -- not  
22 connected with the hydraulic system.

23 Q (By Mr. Stemler, continuing) But the other four  
24 hydraulic motors?

25 A The other four, right, right.

1 Q Okay. You mentioned before that there were valves in  
2 the hydraulic system for the Amphi-King. Could you  
3 explain where those valves would be located?

4 A Yes. The valve is located between the hydraulic pump  
5 and the hydraulic motors for the tracks. So the valve  
6 is -- is responsible for the power, for the speed  
7 from -- from the -- the tracks.

8 Q Was there also a valve that was between the hydraulic  
9 pump and the dredge pump?

10 A Yes.

11 MR. YACKEY: Objection, vague.

12 Q (By Mr. Stemler, continuing) Could the speed of the  
13 vehicle be changed by changing the position of the  
14 valve?

15 A Yes.

16 MR. YACKEY: Objection, vague.

17 A That's right, yeah.

18 Q (By Mr. Stemler, continuing) Could the speed of the  
19 pump -- could the speed of the dredge pump be changed by  
20 changing the position of the valve between the dredge  
21 pump and the hydraulic pump?

22 MR. YACKEY: Objection, vague, lacks  
23 foundation.

24 A Yes.

25 Q (By Mr. Stemler, continuing) How do you know that?

1 A I -- I -- I build it. I -- I tested it. It  
2 was practical experience, so I know that.

3 Q Was the same hydraulic pump used to power both the wheel  
4 motors and the hydraulic -- and the dredge pump?

5 MR. YACKEY: Objection, vague.

6 A We had one big pump. It is also the LS -- LS pump. So  
7 that pump was responsible for the track system, for the  
8 wheel system, for the propeller, backside -- for the  
9 prop backside from the boat, and for the dredge pump in  
10 front of the boat.

11 MR. STEMLER: All right. I'm going to pull up  
12 another exhibit.

13 (Deposition Exhibit 38 was marked for  
14 identification.)

15 Q (By Mr. Stemler, continuing) All right. I'm showing  
16 Defendant's Exhibit 38. Ansgar, do you see this  
17 document?

18 A Yes, I can see it. Yes.

19 Q Ansgar, have you seen documents like this before?

20 A Yes.

21 Q What -- what is this type of document?

22 A Can you make it a little bigger? So this is an invoice.  
23 It's -- can you do it a little bit deeper?

24 Q Yeah.

25 A So it -- yes, it describes the Amphi-King. So there is

-- it is in German. So there's -- it explains there is a payment done before -- about 30 percent from the price. And so it's -- it's -- yeah, it's for the Amphi-King.

Q Would this -- does this document list the technical specifications?

A This? Yes, right.

Q And are these the technical specifications that were meant to be included in the product --

A Yes.

Q -- sold to this customer?

A Yes.

MR. YACKEY: Objection, vague, lacks foundation, calls for speculation.

(Mr. Kella joins the Zoom deposition.)

Q (By Mr. Stemler, continuing) Did you ever assist in preparing documents like this?

A Assist?

Q Yes.

A No. This -- this was not my job. So this was a job from -- from my boss, so it was not my -- my -- my responsibility. So I was responsible for -- for practical work in the factory, not -- not this one, no.

Q Who prepared this document?

A This document is -- was prepared from Mr. Rainer

1           Schröer.

2       Q     And is that his signature there on Page 2 of this  
3           document?

4       A     Yes, it is, right.

5       Q     Do you know when this document was prepared?

6       A     Yes, this one, it was the first one for -- for the  
7           wheeled Amphi-King. It was in 2010.

8       Q     And who was this document prepared for?

9                   MR. YACKEY: Objection, lacks foundation,  
10           calls for speculation.

11      A     This one was for -- for UD Umweltdienste.

12      Q     (By Mr. Stemler, continuing) And what was the  
13           relationship between UD Umweltdienste and SenwaTec?

14      A     UD Umweltdienste, so it was our customer. He bought the  
15           first Amphi-King, the one with the wheel system. You  
16           saw it in the pictures before, Mr. Funck.

17      Q     Was it normal for SenwaTec to prepare documents like  
18           this for its customers before it sold products to them?

19                   MR. YACKEY: Objection, lacks foundation,  
20           calls for speculation. The witness said he doesn't  
21           prepare documents like this.

22      A     Yes, of course, because the customer has to know what  
23           he -- what he buys. So -- so we have to -- we have to  
24           make document so what we have to build and what the  
25           customers -- the customer bought, of course.

1 Q (By Mr. Stemler, continuing) Did you ever reference  
2 documents like this during your job?

3 MR. YACKEY: Objection, vague, lacks  
4 foundation, calls for speculation.

5 A Okay. Sometimes, yes. So if we are -- the -- the  
6 Amphi-King is nearly the same -- all nearly the same.  
7 But sometimes I have to ask my boss, so what -- what  
8 kind of color, whatever, so -- and then I have to ask  
9 him. And then he came with these documents and showed  
10 me, okay, this one is blue, this one is green, and this,  
11 blah, blah. So sometimes, but not often.

12 Q (By Mr. Stemler, continuing) Did SenwaTec regularly  
13 prepare written offers like this for its customers?

14 MR. YACKEY: Objection, lacks foundation,  
15 calls for speculation. The witness has said he  
16 doesn't prepare documents like this.

17 A Yes.

18 Q (By Mr. Stemler, continuing) How do you know that?

19 A That SenwaTec -- okay. So we had to open the meeting  
20 with -- with my boss. And every sale we had, so we had  
21 this -- this paper and we talked about what we had to --  
22 to build. And, yes, he shows us so we -- for the next  
23 sale, and he was very proud and he sell some -- some  
24 boats and shows me these -- these paper, yes, of course.

25 Q This document includes a date on it, right?

1 A Right.

2 Q What is that date?

3 A It is -- can you make it a little bit bigger?

4 Q Yeah.

5 A It's 18 -- 18.06 2010.

6 Q What does that date typically mean when these documents  
7 are prepared?

8 MR. YACKEY: Objection, vague, calls for  
9 speculation.

10 A So this means it was starting. So -- so the first  
11 customer, Mr. Funck, bought or agreed to buy an  
12 Amphi-King. And so this described what -- what we had  
13 to build. Because it was the first one, it was a  
14 prototype. And this one described how to -- what he  
15 bought or what -- what we have to build.

16 Q (By Mr. Stemler, continuing) So does this date typically  
17 mean the date that the document was sent to the  
18 customer?

19 A Yeah. Yes.

20 Q So I don't speak German, but I understand you do,  
21 Ansgar. Does the description of this document, does it  
22 say anything about, you know, the -- the number of  
23 wheels that are included on the vehicle?

24 A Yes. So this -- this describes so there is a --  
25 (speaking German). So it is -- it is a hydraulic-driven

1 drive with six wheels with --

2 THE INTERPRETER: With rubber wheels.

3 A Rubber wheels, right, yeah.

4 Q (By Mr. Stemler, continuing) Does this document say  
5 anything about the size of those rubber wheels?

6 A Yes. It is XM 108, 340/65R18. So that's a diameter and  
7 the wideness from the -- from the wheels.

8 Q So --

9 A Also -- also, you can see the air pressure inside is  
10 maximum one bar.

11 Q So the wheels were filled with air?

12 A Yes.

13 Q And just to clarify, you said that the wheels are 918  
14 millimeters in diameter?

15 A Correct.

16 Q And 323 millimeter wide?

17 A Right.

18 Q And is that -- does that accurately describe the vehicle  
19 that SenwaTec sold to UD Umweltdienste?

20 A Yes, right.

21 Q Do those wheels float?

22 A Yes.

23 MR. YACKEY: Objection, vague, calls for  
24 speculation.

25 A But not enough for -- that's the reason why we added the

1           pontoons. So it's not the same like a pontoon with --  
2           with a track system.

3       Q     (By Mr. Stemler, continuing) How do you know that the  
4           wheels floated?

5       A     Because it's physics. So there's air inside and so we  
6           never -- never checked it and put it in the water, but  
7           it's -- it's like a balloon, so you can put it in the  
8           water and it floats, yes.

9       Q     Did the wheels provide some buoyancy for the vehicle?

10      A     No.

11      Q     I understand that the wheels did not float the vehicle  
12           on their own, but did they --

13      A     They can --

14                   THE INTERPRETER: They carry their own weight,  
15           but they are not there to give the boat enough  
16           buoyancy.

17      Q     (By Mr. Stemler, continuing) And that's why you included  
18           a pontoon?

19      A     Right. That's right. Exactly.

20      Q     Ansgar, does this document say anything about how fast  
21           the vehicle could drive?

22                   MR. YACKEY: Objection, lacks foundation.

23      A     So there were two gears. First gear is for the working  
24           gear, it's up to six kilometers in an hour and the fast  
25           gear is up to 15 kilometers in an hour.

1 Q (By Mr. Stemler, continuing) And could the vehicle that  
2 SenwaTec sold to UD Umweltdienste drive at those two  
3 speeds?

4 MR. YACKEY: Objection, lacks foundation.

5 A There's one -- the one with the wheel system, they could  
6 do it, yes.

7 Q (By Mr. Stemler, continuing) And we spoke earlier when  
8 we were looking at the hydraulic plan, but those two  
9 speeds are accomplished by changing the position of the  
10 valves between the hydraulic pump and the wheel motors,  
11 right?

12 A Right, right.

13 Q So each of those wheel motors could be driven at those  
14 two different speeds?

15 MR. YACKEY: Objection, leading.

16 A Yes.

17 Q (By Mr. Stemler, continuing) Could each of the wheel  
18 motors be driven at those two different speeds?

19 A Yes.

20 MR. YACKEY: Objection, vague.

21 Q (By Mr. Stemler, continuing) How many speeds could the  
22 wheel motors be driven at?

23 A How many speed? How fast it can drive?

24 Q Yeah. How many different speeds could the wheel motors  
25 be driven at?

1 A So it's from zero up to 15 kilometers in an hour, so  
2 it's proper speed. So you can -- like a car, very slow  
3 to -- to fast. Every speed is possible up to 15  
4 kilometers in an hour for the wheeled one. Not for the  
5 one with the track system.

6 Q Does this document mention a pump anywhere?

7 MR. YACKEY: Objection, vague.

8 A Hydraulic pump? Or what do you mean?

9 Q (By Mr. Stemler, continuing) A dredge pump.

10 A Dredge pump. So can you put -- scroll a little bit?

11 Q Yep.

12 A Yes. So there's a pump. So it's a Doda pump.

13 Q And is that pump the same dredge pump that we looked at,  
14 you know, the pictures of in Exhibit C?

15 A Right, right.

16 Q Okay.

17 MR. YACKEY: Taylor, for -- for clarity, can  
18 you have the witness point out where he is reading  
19 that from? This is in German and I'm not finding  
20 where he's saying that there's -- there's a pump.

21 Q (By Mr. Stemler, continuing) Yeah, Ansgar, can you point  
22 out where the pump is -- where the pump is mentioned in  
23 this document?

24 A It's a Doda pump. You can see it on -- maybe you can --

25 THE INTERPRETER: Under II -- oh, no. Under

1 Abmessungen, it's the paragraph before II, you see  
2 on the first dash a Doda dredge pump.

3 MR. YACKEY: Can I ask the interpreter to say  
4 what the Abmessungen is in English?

5 THE INTERPRETER: I'm sorry. Abmessungen  
6 means dimensions.

7 MR. STEMLER: Can I ask the interpreter to --

8 A It's not described from the Doda pump. There's only --  
9 you asked me if there was something about the pump. So  
10 you can see there's a Doda pump inside. There's not  
11 the -- the dimensions or something else from the pump.  
12 It's only a Doda pump. It's not describes -- it  
13 describes not the pump, it's only -- there's only the  
14 name Doda pump, that's it.

15 Q And that word "schlammpumpe", what does that mean?

16 A Dredge pump.

17 Q Did the Amphi-King that SenwaTec sold to UD  
18 Umweltdienste include a dredge pump?

19 A Yes.

20 Q What type of materials could that dredge pump pump?

21 MR. YACKEY: Objection, calls for speculation,  
22 lacks foundation.

23 A You can pump sand, sediments, small stones, but you  
24 need -- you need fluid, you need water. So you have to  
25 put it in the water. You cannot pump only sand. You

1        need water. So it must be a fluid. And there is sand  
2        inside, and you can pump fluid with sediments up to 25  
3        percent material, not more.

4        Q     (By Mr. Stemler, continuing) Do you know how many  
5        Amphi-Kings were sold by SenwaTec to UD Umweltdienste?

6        A     SenwaTec? Maybe Four or five.

7        Q     Were those sold before 2013?

8        A     Not all, but we sold two or three before 2013, yes.

9        Q     Okay. Did you ever publicly use the Amphi-King?

10      A     Yes.

11      Q     Where? And I guess to clarify, did you ever publicly  
12      use the Amphi-King before 2013?

13      A     Yes. It was in -- in Austria and in our factory, of  
14      course. So we made a lot of demonstrations. We  
15      finished it, and we -- we invite customers to -- to see  
16      it to make demonstrations and, yeah, that's --

17      Q     Those demonstrations that you made, where specifically  
18      did those take place?

19      A     The place was in Haren near our company.

20      Q     In Germany?

21      A     In Germany, right. The one. And the other one was in  
22      Austria.

23      Q     Did they take place -- can you describe -- did you drive  
24      it into any bodies of water during those demonstrations?

25      A     No. We put the -- the Amphi-King on a trailer for the

1 water and so you can -- it is an amphibious one you can  
2 drive from the trailer into the water. And then we make  
3 demonstrations, yes.

4 Q And were those demonstrations -- did they occur in  
5 public places?

6 MR. YACKEY: Objection, calls for speculation.

7 A Yes. Everybody could -- could come. Yes, it was a --  
8 it was a marina, so everybody could come there, take a  
9 look at it. So we had a lot of -- this one, you know,  
10 it looks like a tank when you drive with this one, so  
11 you -- everybody will follow you and they wants to see  
12 this one can swim -- so it cannot swim, it can swim,  
13 so -- and it was a lot of -- lot of guys wants to see  
14 this model in the water.

15 Q (By Mr. Stemler, continuing) What versions of the  
16 Amphi-King did you publicly demonstrate?

17 A Both this one with the -- with the wheels and with the  
18 track system.

19 But with the wheel system, it was only done by --  
20 by Mr. Funck, the owner from -- from this one. And he  
21 came over and made demonstrations. And he also invite  
22 customers to see how it works, because he wants -- he  
23 wants to earn money with his Amphi-King, and so he was  
24 very interested in -- in making demonstrations for  
25 advertising for his product.

1 MR. STEMLER: Ansgar, I'll show you another  
2 exhibit here, or introduce it.

3 (Deposition Exhibit 39 was marked for  
4 identification.)

5 MR. STEMLER: Sorry. This one is loading.  
6 I think it might take a minute. Almost there. It  
7 brought me to another page that says it's loading  
8 the file. I wonder if now might be a good time to  
9 take a short break. Can we break for five minutes  
10 and come back at 11:20?

11 VIDEOGRAPHER: We are going off the record.  
12 Time now is 11:15.

13 (A recess was taken.)

14 VIDEOGRAPHER: We are back on the record.  
15 This is the start to Media No. 3. The time is  
16 11:45.

17 MR. YACKEY: I'd just like to point out for  
18 the record before we get started, Taylor, that we  
19 just finished a 30-minute break. I don't think the  
20 witness needed that 30-minute break. We were able  
21 to continue, but now we're back. So that's all I  
22 have.

23 MR. STEMLER: Okay. It was a 30-minute lunch  
24 break.

25 Q (By Mr. Stemler, continuing) Ansgar, did you have any

1 lunch during that break?

2 A Yes, I had.

3 Q Okay.

4 A Yep. I'm okay.

5 Q Great. Thank you.

6 All right. So I finally got Defendant's Exhibit 39  
7 to load here, so it's showing up on my screen. Do you  
8 see Defendant's Exhibit 39, Ansgar?

9 A Yes, I can see it. Yes.

10 Q What does -- what does Exhibit 389 look to be?

11 MR. YACKEY: Objection, vague.

12 A What was the question? What it shows or what's --

13 Q (By Mr. Stemler, continuing) Yeah, yeah. What does this  
14 exhibit show?

15 A It is the first Amphi-King produced. It was not -- it  
16 started at another company. It was at Koop (ph). And  
17 these pictures must be in 2010. So it was the first  
18 one. It was not SenwaTec, but we finished this one at  
19 SenwaTec in 2011.

20 But I was also there in this factory before and we  
21 had a good contact with this factory, so I know the  
22 place where it is. And where these pictures made, I  
23 know that place, yes.

24 Q Do you recognize the pictures in this document?

25 A Yes.

1 Q Do you know who took these pictures?

2 A What was the question?

3 Q Do you know who took these pictures?

4 A This -- I think this is made from my boss, from  
5 Mr. Rainer Schröder, or Mr. Ronald Otte. I think  
6 Mr. Rainer Schröder made these pictures.

7 Q And was it typical for your boss to take pictures of  
8 products while you were building them?

9 A Yes, of course.

10 MR. YACKEY: Objection, lacks foundation,  
11 calls for speculation.

12 Does -- does the witness have access to view  
13 these photos himself without Taylor scrolling  
14 through them?

15 MR. STEMLER: I mean, the witness could go on  
16 Exhibit Share. Do you need me to go on Exhibit  
17 Share, Ansgar? Or are you okay with me showing  
18 them to you on the screen?

19 THE INTERPRETER: It's okay this way.  
20 Everything is good.

21 MR. YACKEY: So -- so right now I just want to  
22 make it clear that the witness does not have access  
23 to this particular exhibit or actually in any of  
24 these exhibits in Exhibit Share and Mr. Stemler is  
25 just scrolling through them on the screen and is

1           answering questions before he's an had opportunity  
2           to review this entire exhibit which appears to be  
3           190-some-odd pages, 196 pages.

4           So I think the witness should -- should take  
5           the time he needs if necessary to -- to review this  
6           exhibit.

7   Q    (By Mr. Stemler, continuing) Ansgar, are you okay with  
8       me scrolling through these documents so that you can  
9       review them?

10 A   Yeah, yeah. So I'm familiar with these pictures. So  
11 we -- we had made a lot of pictures in our factory from  
12 all boats we produced, because -- so we had -- it was  
13 the first one and it was the first steps, and we needed  
14 to rebuild it after. So I'm familiar with pictures.  
15 You can scroll it. If -- if there's a picture, I will  
16 say stop when I have a question or whatever. That's  
17 okay.

18 Q   Okay. I'm going through to scroll through these  
19 pictures and you can just take a look at them as I'm  
20 scrolling through them.

21 A   So that one -- that one on -- on the top, that's the  
22 vessel for the amphibious one for the -- for -- with the  
23 wheel system. There you can see the three points where  
24 the wheels adapted to the -- the vessel.

25           MR. YACKEY: Taylor, what -- I'm sorry.

1           What -- what page were we on? I don't even know  
2           what -- the record doesn't even reflect what page  
3           we were on now, and now you've scrolled to five  
4           more pages.

5           MR. STEMLER: Okay. Ansgar, how about we get  
6           you access to Exhibit Share so we can address  
7           Scott's concern? Do you have Exhibit Share up on  
8           your computer?

9           THE INTERPRETER: I'm not that well-versed in  
10          computers. So I don't know if I'm allowed to ask  
11          this question, but why can't we proceed as we were?

12          MR. STEMLER: The opposing counsel wants you  
13          to have access to the exhibit, Ansgar. They don't  
14          think that this is working, so we need to get you  
15          logged in.

16          How about we take a five-minute break so we  
17          can get you set up on Exhibit Share?

18          THE WITNESS: Okay.

19          VIDEOGRAPHER: We are going off the record.  
20          Time now is 11:51.

21          (A recess was taken.)

22          VIDEOGRAPHER: We are back on the record. The  
23          time now is 11:53.

24          Q        (By Mr. Stemler, continuing) Ansgar, before we broke, I  
25          brought up Defendant's Exhibit 39. Do you have that in

1 front of you?

2 A Yes, I have 196 pictures.

3 Q Yep.

4 A Yeah, okay.

5 Q Do you recognize the photos in this document?

6 A Yes.

7 MR. YACKEY: Objection, vague.

8 Q (By Mr. Stemler, continuing) What are these pictures  
9 showing?

10 A These pictures are showing the Amphi-King, the first one  
11 with the wheel system. So the first picture is --  
12 it's -- it's in production at another company, so it  
13 shows the vessel with the boom. And the second one you  
14 can see the hydraulic tank. So another one you can see  
15 the -- the rotator in front. And then on Picture No. 4,  
16 you can see the -- the dredge pump adapted at the boom.  
17 And No. 5, you can see the -- the upside the  
18 instruments -- the --

19 THE INTERPRETER: The instruments displayed.

20 A Yes, displayed, right.

21 So the next one you can see the diesel tank, the --  
22 the air filter.

23 THE INTERPRETER: Is that correct what I'm  
24 doing now? Am I supposed to go through all the  
25 pictures and describe them?

1 Q (By Mr. Stemler, continuing) You don't need to go  
2 through every picture, Ansgar. That's fine.

3 A Okay. So I can do that, it's not a problem for me. But  
4 I just want to ask if that's right what -- what I'm  
5 doing here.

6 Q Do you know who took these pictures?

7 A These pictures was made from Mr. Rainer Schröder or  
8 Mr. Ronald Otte.

9 Q And was it typical for these gentlemen to take pictures  
10 of products while you were building them?

11 A Yes, it was.

12 MR. YACKEY: Objection, lacks foundation,  
13 vague, calls for speculation.

14 Q (By Mr. Stemler, continuing) Did you -- did you ever see  
15 these gentlemen taking pictures of products?

16 A Yes. We need these pictures to --

17 MR. YACKEY: Objection, vague, calls for  
18 speculation.

19 A -- produce the next Amphi-King and to -- to as --

20 THE INTERPRETER: We needed it as a -- as a  
21 plan, as a schedule.

22 THE COURT REPORTER? Mr. Yackey, I need you to  
23 repeat your objection, because the witness was  
24 talking.

25 MR. YACKEY: Objection, vague, lacks

1 foundation, calls for speculation.

2 Q (By Mr. Stemler, continuing) Ansgar, do you know where  
3 these pictures were kept?

4 MR. YACKEY: Objection, lacks foundation.

5 A So these -- these pictures are at SenwaTec on -- on the  
6 computer from -- from my boss, Rainer Schröer.

7 Q (By Mr. Stemler, continuing) And do you know what became  
8 of these pictures when SenwaTec was purchased by Berky?

9 MR. YACKEY: Objection, vague, lacks  
10 foundation, calls for speculation.

11 A All these pictures goes -- went to -- to Berky after  
12 buying Berky -- after Berky bought SenwaTec.

13 Q (By Mr. Stemler, continuing) I'm going to share my  
14 screen and ask you specifically about a couple of these  
15 pictures.

16 Ansgar, I'm showing you a picture from Exhibit 39  
17 that's labeled with Bates No. BAZ15\_0024459. And below  
18 that is a picture with the same Bates number ending in  
19 60.

20 Do you see those two pictures?

21 A Yes.

22 Q Can you tell me what these pictures are showing, or can  
23 you describe what these pictures are showing?

24 MR. YACKEY: Objection, vague --

25 A Yes.

MR. YACKEY: -- calls for speculation, lacks foundation.

A The first picture is from inside the vessel. You can see the hydraulic oil motor, which is responsible for -- gives the oil to the wheel outside. So you can see the boat -- the boat at that point from for the hydraulic pipes.

And on the second picture you can see the -- sorry. On the second picture, you can see the same motor outside from the boat and -- so that's the point where the wheel is connected with the hydraulic motor outside from the boat.

Q (By Mr. Stemler, continuing) Was this the same type of hydraulic motor that was used on the Amphi-King products that were sold before 2013?

A Yes, right.

MR. YACKEY: Objection, vague, calls for speculation, lacks foundation.

Q (By Mr. Stemler, continuing) How many of these hydraulic motors were present on the boat?

MR. YACKEY: Objection, vague, calls for speculation, lacks foundation.

A Six. Four are connected with a hydraulic system and two in the middle of both sides are only for connecting the wheels to the vessel. They're not connected with the

1           hydraulic system.

2       Q     (By Mr. Stemler, continuing) So can you explain where on  
3           the vehicle each of these hydraulic motors were located?

4                   MR. YACKEY: Same objection.

5       A     There are three motors located on each side, on the left  
6           side and on the right side. There are two in the front,  
7           two in the backside of the boat, and two in the middle.

8       Q     (By Mr. Stemler, continuing) And how do you know that?

9       A     How do -- I -- I -- I saw this -- this boat. I drive  
10          this boat in our company, so I -- I -- I saw it. And I  
11          often repair this one and -- yeah.

12      Q     You mentioned on the second photo that this is where the  
13          wheel was attached. Could you explain specifically  
14          where on this component the wheel was attached?

15      A     Yes, you see -- you see the nut, you have to remove the  
16          nut. And then there is a --

17                   THE INTERPRETER: There's a conical shaft.

18      A     -- conical shaft, and so there you can put the wheel on  
19          and then affix it with a nut in front of.

20      Q     (By Mr. Stemler, continuing) And the nut you're  
21          referring to is located at the end of that conical  
22          shaft?

23      A     Right. And it was -- you see it is --

24                   THE INTERPRETER: It's a typical crown nut at  
25          the end that is secured with a splint. A hole in

1 the shaft. And through that hole, the crown nut is  
2 inserted through that hole in order to secure the  
3 wheel.

4 A Maybe you can see the hole. If you can scroll it a  
5 little bit and make it a little bit bigger, maybe you  
6 can see it. I'm not sure.

7 Oh. But I think you can understand so it's a crown  
8 nut and in the right position. So there is a hole in  
9 the shaft and then you can make it -- you can fix it  
10 with a splint.

11 Q (By Mr. Stemler, continuing) Did this shaft rotate while  
12 the wheel was attached to it?

13 A Yes.

14 Q What speeds would this shaft rotate at?

15 A This one the speed --

16 MR. YACKEY: Objection, lacks foundation,  
17 vague.

18 A The speed is up to 15 kilometers in an hour. So I don't  
19 know the exact rolls per minute. But the end speed, the  
20 high speed from the amphibious one was -- or is 15  
21 kilometers in an hour.

22 Q (By Mr. Stemler, continuing) Could it rotate less than  
23 that, less fast?

24 A Yes, yes, it's up from zero to 15. It's -- it's --

25 THE INTERPRETER: Proportional.

1 A Between -- between zero and 15 kilometers you can drive  
2 every speed you needed.

3 Q (By Mr. Stemler, continuing) Could all of the powered  
4 hydraulic motors rotate between zero and 15 kilometers  
5 per hour?

6 MR. YACKEY: Objection, vague, lacks  
7 foundation.

8 A The hydraulic motors are driven from the hydraulic  
9 system. And the others, so they are on the ground, they  
10 also drive this speed. But they are not driven by  
11 hydraulic system.

12 Q (By Mr. Stemler, continuing) And those -- those undriven  
13 hydraulic motors, where are those ones located?

14 A They are located in the middle both sides. So on the  
15 left side, on the right side, in the middle from this  
16 three hydraulic motors each side.

17 The middle one is -- the hydraulic motors are not  
18 driven hydraulic.

19 Q (By Mr. Stemler, continuing) You mentioned here, I  
20 think, that there was an input and an output on this  
21 wheel motor. Where are those located?

22 A You can see up --

23 MR. YACKEY: Objection --

24 A -- up from the motor, it is --

25 Q (By Mr. Stemler, continuing) Ansgar, so let's let Scott

1 make his objection quick.

2 MR. YACKEY: Objection, vague, lacks

3 foundation.

4 Q (By Mr. Stemler, continuing) You can -- go ahead,  
5 Ansgar, you can answer.

6 A Okay. So you can see there are two holes in the  
7 hydraulic motor on the top. They're closed with a  
8 plastic cap here in this picture. And these two points  
9 are the points for connecting the hydraulic pipes.

10 There is another connecting point, but you cannot  
11 see it here. It's -- it's in front of the -- the -- the  
12 hydraulic motor at this point is for -- it is leak oil,  
13 it's for greasing the -- the hydraulic motor.

14 Q (By Mr. Stemler, continuing) Did each of the hydraulic  
15 motors have their own input and output?

16 A Yes.

17 Q How was the vehicle steered?

18 MR. YACKEY: Object to form, vague.

19 A So if you -- you can give more oil to the left side and  
20 then you drive a curve to the right side. And if you  
21 wants to drive to the left side, you have to give more  
22 oil to the right side, then you drive a curve to the --  
23 to the left side. So it's the same like a chain. So  
24 one side is driving faster than the other side and then  
25 you drive --

1 Q (By Mr. Stemler, continuing) When you're saying you give  
2 oil to one side or another, you mean you -- you provide  
3 hydraulic oil to the wheel motors on one side?

4 A Right, yeah.

5 Q Okay. And does that cause the wheels on one side to  
6 rotate faster than the other then?

7 A Does that what? Yes, if you drive a curve, yes, of  
8 course. The one side is faster than the other side, and  
9 then you can drive a circle or a curve, whatever.

10 You can also -- you can -- can move it on the -- on  
11 the -- on one place. So is -- one wheel goes forward  
12 and one wheel goes backward and then you can drive --

13 THE INTERPRETER: You can -- you can drive  
14 in this.

15 THE WITNESS: Yep.

16 Q (By Mr. Stemler, continuing) Okay. I have a couple more  
17 pictures I'm going to go to.

18 All right. Ansgar, I'm showing two different  
19 pictures here. The top one is labeled BAZ15\_0024471 and  
20 the bottom one is the same Bates label ending in 72.

21 Do you see these two pictures?

22 A Yes.

23 Q Do you recognize these pictures?

24 A Yes.

25 Q What's being shown in these pictures?

1 A These pictures --

2 MR. YACKEY: Objection, form.

3 A -- shows a Kubota engine. It is a Kubota 70 horsepower  
4 3307. And, yeah, this -- this is engine or these  
5 engines we build in the Amphi-Kings.

6 Q (By Mr. Stemler, continuing) What did this engine power?

7 A It's a diesel.

8 MR. YACKEY: Objection, form.

9 A It's powered by diesel. It's a diesel engine.

10 Q (By Mr. Stemler, continuing) What components on the  
11 vehicle did this engine supply power to?

12 MR. YACKEY: Objection, form.

13 A So this engine, so there's a hydraulic pump. All the  
14 hydraulics pumps are adapted. And the hydraulic pumps,  
15 they were adapted here at the Kubota.

16 Q (By Mr. Stemler, continuing) And what components did  
17 those hydraulic pumps power on the vehicle?

18 MR. YACKEY: Objection, form.

19 A So the hydraulic pumps were driven from -- from the --  
20 the Kubota engine.

21 Q (By Mr. Stemler, continuing) And those hydraulic pumps  
22 supplied power to other components on the vehicle,  
23 right?

24 A Yeah, the hydraulic pumps gives the power to the valve.  
25 And from the valve, it goes to the hydraulic oil motors

1 or to a cylinder or whatever, yeah.

2 So the hydraulic pumps are adapted to the Kubota  
3 motor, and then the hydraulic pumps gives the oil to a  
4 valve, and the valve gives the oil to a hydraulic oil  
5 motor or to a cylinder. That's -- that's the system,  
6 yes.

7 Q So is basically everything on the vehicle -- all of the  
8 hydraulic components are powered by this engine  
9 ultimately?

10 A Yes.

11 MR. YACKEY: Objection, form.

12 A Yes, every -- every -- it's all hydraulic driven.  
13 There's no electrical hydraulic -- electrical motor  
14 inside or whatever. Everything what rotated or  
15 what's -- what is going up or down is hydraulic.  
16 Everything is hydraulic. No electric inside.

17 Q (By Mr. Stemler, continuing) And -- and this hydraulic  
18 motor -- or this engine provides power to all those  
19 hydraulic motors?

20 A Yes.

21 Q How was the hydraulic pump connected to this Kubota  
22 motor?

23 MR. YACKEY: Objection, form.

24 A So the -- the hydraulic pump --

25 THE INTERPRETER: There's a shaft coming out

1 of the end of the hydraulic --

2 THE WITNESS: Pump.

3 THE INTERPRETER: -- pump and that shaft is  
4 then inserted into the engine --

5 THE WITNESS: Yes, right.

6 THE INTERPRETER: -- inserted into the engine  
7 and that's how it's -- it's driven.

8 THE WITNESS: Yeah.

9 A So it's a direct connection. So it is -- if the -- the  
10 -- the engine has a --

11 THE INTERPRETER: Speed.

12 A If the engine has a speed from 2,000 rolls per minute,  
13 so the hydraulic motor is also a speed from 2,000 rolls.  
14 It's a direct combination. There's no -- not a clutch  
15 or something else. It directly goes -- the power goes  
16 directly to the hydraulic system.

17 Q (By Mr. Stemler, continuing) Okay. I have a couple more  
18 pictures I'm going to show.

19 A That was a rotator from the boom earlier.

20 Q Okay. We can get back to that one in a minute.

21 Okay. So, Ansgar, I'm showing you a picture with a  
22 Bates label BAZ15\_0024429.

23 Do you see this picture?

24 A Yes.

25 Q What is this picture showing?

1 MR. YACKEY: Objection, form.

2 A In this picture, you can see the dredge pump adapted to  
3 the boom from the Amphi-King with the six wheels.

4 Q (By Mr. Stemler, continuing) You can see -- on top you  
5 can see the hydraulic oil motor and on the bottom you  
6 can see the pump, and so you can see the -- the two  
7 connecting points with the hydraulic pipes. And, yeah,  
8 that's what -- you could see, also, the spray pipe in  
9 front of the pump, it is --

10 THE INTERPRETER: The nozzle -- the nozzle  
11 that you can see, that's the spray pump.

12 THE WITNESS: Yep, right.

13 Q (By Mr. Stemler, continuing) Can you identify some of  
14 the other components that are shown on the pump?

15 MR. YACKEY: Objection, form.

16 A Yeah, you can -- you can -- what can you see? So you  
17 can see the hydraulic motor, it's the black one. And  
18 the blue one is the adapter -- it's the adapter to the  
19 dredge pump.

20 And you cannot see it, but I know inside there  
21 is -- there is a shaft from the -- the hydraulic oil  
22 motor that is connected with the -- with the dredge  
23 pump. And in the dredge pump, so there's impeller  
24 inside, so that's for all the working -- to -- to make a  
25 vacuum to -- to take the sediment out of the river and

1 put it to the shore.

2 Q (By Mr. Stemler, continuing) You mentioned that there's  
3 a -- there's a drive shaft inside of the pump.

4 A Yes.

5 Q Can you explain what that drive shaft is connected to?

6 A So you see the -- the two hydraulic pipes and -- and on  
7 the top from the -- on the motor. So the motor is  
8 driven by the hydraulic. And the -- the oil motor,  
9 there's a shaft, and the shaft goes from top to the  
10 black to the silver one to the pump.

11 And on the shaft, there is an impeller -- a big  
12 impeller inside the pump. And on the bottom, there's  
13 also a cutter inside. If there is water -- or something  
14 in the water, so it cut -- or weed, it cuts it and then  
15 the pump is able to pump it away.

16 Q Can you describe how the impeller moves when the pump is  
17 operating?

18 MR. YACKEY: Objection, form.

19 A The propeller turns. It's like an center pumper. It's  
20 like a center pump. It's like a -- it's rotating. So  
21 if the hydraulic motor is rotating with 1,800 rolls per  
22 minute, so that's the normal speed. So then the  
23 impeller runs also with a speed. And so that's the  
24 normal working rolls, 1,800 -- 1,500 up to 1,800.

25 You can change it with the hydraulic system, but

1 the normal speed is run about 1,800 rolls per minute.

2 Q (By Mr. Stemler, continuing) So you -- but you can  
3 change that speed?

4 A Yes, you can change --

5 MR. YACKEY: Objection, form.

6 A -- that speed. You can get more hydraulic oil or not --  
7 less hydraulic oil to the hydraulic oil motor and then  
8 you can change the rolls.

9 Q (By Mr. Stemler, continuing) What drives the rotation of  
10 the impeller?

11 MR. YACKEY: Objection, form.

12 A It's a vertical drive. What -- what do you mean?  
13 What --

14 Q (By Mr. Stemler, continuing) What -- what causes -- what  
15 causes the impeller to rotate?

16 MR. YACKEY: Objection, form.

17 A It's the -- the connection from the hydraulic oil motor  
18 to the impeller with -- with a shaft -- with a -- with a  
19 metal shaft. And it's -- it's a direct connection.

20 And if the hydraulic oil motor is running, the  
21 propeller -- the impeller is also running. It's not a  
22 propeller, it's an impeller.

23 Q (By Mr. Stemler, continuing) I see here there's kind of  
24 a curved piece between, you know, the lower portion of  
25 the pump and this black spray nozzle. What is that?

MR. YACKEY: Objection, form.

A That's -- that's -- the material comes out there from the pump and goes to the spray pipe, and then you can spray it 25 meters away on a shore or back in the water. You saw it in the pictures before in the lagoon. So he put it back in the water to make it -- the fluid -- to make it -- yeah. You can also adapt the pipe so you can remove the -- the injector and you can adapt the pipe and then you can pump it away 200 meters, 250 meters away.

Q (By Mr. Stemler, continuing) Can you describe where in the pump the impeller is located?

MR. YACKEY: Objection, form.

A Yes. It's the -- the impeller is located in the pump. You see -- maybe you can do it with your -- with the mouse.

Q (By Mr. Stemler, continuing) Scroll in?

A Yes, there it is. Yes, there's a big --

THE INTERPRETER: It looks like a snail down there, and that's where the impeller is located in there.

A Yes, that's right. Yes.

Q (By Mr. Stemler, continuing) In this metal part here at the bottom of --

A Yes.

1 Q -- the silver part?

2 A Yeah. Yes.

3 Q What is -- what is this silver piece here?

4 MR. YACKEY: Objection, form.

5 A It's the hosing from the pump. And that one is -- is  
6 special steel. It's a very hard steel, because  
7 otherwise it will -- you can pump one day and it will  
8 break. So you need -- for the material -- for sand  
9 material, you need a special steel, it's very hard. And  
10 that's the -- the housing from the pump.

11 Q (By Mr. Stemler, continuing) And what is inside of that  
12 housing?

13 A Inside is --

14 MR. YACKEY: Objection, form.

15 A -- the impeller. And under the impeller there is -- on  
16 the bottom it's like a cutter. It's the same like a  
17 cutter. So it's -- if there's weed or small wood in --  
18 in the river, it will cut it before it goes to the pump.  
19 So otherwise the pump will stop and it will not work.  
20 So it's -- it's a safety for -- for the -- for the pump.

21 Q (By Mr. Stemler, continuing) You mentioned that this  
22 curved piece is a pipe, right?

23 A It's a pipe, yes.

24 MR. YACKEY: Objection, form.

25 Q (By Mr. Stemler, continuing) Is there an opening in this

1 pipe?

2 A Yes, it is -- it should open on both sides. So it's --  
3 it must be open, because otherwise the material cannot  
4 go in and out.

5 Q What -- so I guess is there an opening kind of at the  
6 end of this pipe then that connects to that nozzle at  
7 the end?

8 A Right.

9 MR. YACKEY: Objection, form, leading.

10 A There's also an opening from the connecting point to the  
11 pump -- to the housing from the pump. And there is also  
12 an opening to connecting to the injector, yeah, right.  
13 It's four feet, the bigness of that. Four feet.  
14 Four inch, not feet. Inch -- four inch. It is a  
15 four-inch pump, not feet.

16 Q (By Mr. Stemler, continuing) Can you describe how  
17 material flows through the pump?

18 MR. YACKEY: Objection, form, vague.

19 A Yeah. The hydraulic motor is running with -- with 1,800  
20 rolls per minute and the impeller is running. And the  
21 impeller makes a -- a vacuum. And the pump is in the  
22 water. Normally it's on the ground, because you wants  
23 to -- to remove the ground -- the slum or silt or  
24 whatever. And so there's a vacuum. And the water  
25 gives -- the other side from the pump is a pressure, and

1           that gives the material to the spray pipe and then you  
2           can spray it away or you can adapt the pipe and you can  
3           pump it away.

4       Q     (By Mr. Stemler, continuing) Is there an opening at the  
5           end of the spray pipe?

6       A     Yes, there is. Yes.

7       Q     How large is that opening?

8                       MR. YACKEY: Objection, form.

9       A     The entrance from the pipe is four -- four inch and  
10           outside it is -- maybe it's two inch. So it is smaller.  
11           So there is -- it's like a injector, so there is --

12                      THE INTERPRETER: Acceleration.

13       A     -- acceleration, so the -- the material goes 20 meters  
14           far away.

15       Q     (By Mr. Stemler, continuing) Could the operator of the  
16           vehicle aim the material that was sprayed by the pump?

17                      MR. YACKEY: Objection, form.

18       A     Yes, you can do that. Yes, we can do it with a boom.  
19           You can spray between the boom to the -- the right or to  
20           the left side. You can lift it up or down and you  
21           can -- you can -- maybe you can --

22                      THE INTERPRETER: You can also use it to spray  
23           customers when they are looking on.

24       A     We had it sometimes. So if you're not careful, so then  
25           you have this.

1           Now you can do it with a boom from the left side to  
2           the right side and you can lift it up and down, you can  
3           change the angle and -- yes, you can do that.

4       Q     (By Mr. Stemler, continuing) Did you ever aim -- or I  
5           guess I'll rephrase the question. I think you -- you  
6           answered it.

7           But phrased again, how do you change the angle of  
8           the pump?

9           MR. YACKEY: Objection, form, vague.

10     A     You can change it with the cylinder from the boom and  
11           with the rotator from the boom. So that's -- these --  
12           you have three cylinders at the boom. You can change  
13           the -- the -- the -- you can -- you can change the  
14           lengths from the cylinder and you can rotate it with the  
15           rotator 360 degrees.

16     Q     (By Mr. Stemler, continuing) What direction did the  
17           drive shaft of the pump normally extend when you were  
18           operating the pump?

19           MR. YACKEY: Objection, form, vague.

20     A     Normally you need a vertical direction. So from the top  
21           to the bottom, so -- and then you put it on the ground  
22           and then it works. That's the normal one.

23     Q     (By Mr. Stemler, continuing) Where was the opening to  
24           the pump where the fluid, you know, entered the pump?

25           MR. YACKEY: Objection, form.

Q (By Mr. Stemler, continuing) One more time, Ansgar.

A It's on the bottom from the pump. The -- the -- where the fluid goes in from the river? Or what do you mean?

Q Yeah.

A Yeah, it's on the bottom from the pump.

Q On the bottom of what part of the pump?

A On the bottom from the housing -- from the silver housing.

Q And was that opening submerged when you operated the pump?

MR. YACKEY: Objection, form.

A Yes, yes, this pump must be under water -- nearly completely under the water, otherwise it will not work.

Q (By Mr. Stemler, continuing) What parts of the pump were submerged when op -- in order to operate the pump?

MR. YACKEY: Objection, form.

A All -- all parts from the pump normally are under the -- in the water, because you put it on the ground in the river. And so you put it complete in the water with -- including the hydraulic oil motor, including the -- the -- the connection between the hydraulic oil motor and the housing, you put everything in the water and then you can work.

Q (By Mr. Stemler, continuing) How -- how did the priming of the pump work?

1 A You don't prime.

2 MR. YACKEY: Objection --

3 A You put it in the water and it fill automatically.  
4 Because it is in the water, you don't need priming. No  
5 priming.

6 Q (By Mr. Stemler, continuing) All right. I'm going to  
7 show you a different picture.

8 All right. Ansgar, I'm showing you -- oops, sorry.  
9 Ansgar, I'm showing you a picture it's labeled as  
10 BAZ15\_0024544.

11 Do you see this picture?

12 A Yes.

13 Q What is this picture showing?

14 A This picture --

15 MR. YACKEY: Objection, form.

16 A -- shows the Amphi-King with the wheel system adapted  
17 with a -- with a pump in front of.

18 Q (By Mr. Stemler, continuing) And what is that pump  
19 connected to?

20 MR. YACKEY: Objection, form.

21 A That pump is connected to the -- the boom from -- from  
22 the -- from the Amphi-King.

23 Q (By Mr. Stemler, continuing) And could the boom change  
24 the position of the pump?

25 A Yes, the boom can change the position of the pump. You

1 can swing it from the -- the left side to the right side  
2 or from -- with a boom wider from -- wider far from the  
3 vessel from the boat or between the wheels or wherever  
4 you want. You can change the position from the pump.

5 Q How did the boom change the position of the pump from  
6 the left to the right side?

7 A There is a rotator between the -- the vessel and the  
8 boom. And this rotator, you can rotate it up to 360  
9 degrees. So there's a stop backside that you cannot  
10 turn it every time, so -- because then the hydraulic  
11 hose inside will break. But you can turn it back and  
12 then you can turn it to the other side 360 degrees and  
13 back. So you are able to -- to go in every position  
14 next to the boat.

15 Q Could -- I guess, how far in front of the vehicle could  
16 the boom move the pump?

17 A How far?

18 MR. YACKEY: Objection, form.

19 Q (By Mr. Stemler, continuing) Yeah.

20 A So you can -- you can move it directly to the boat, you  
21 can damage the boat, and you can fire maybe this up to  
22 two meters.

23 Q So you can -- you can make the pump contact the boat?

24 A Yes. If you're not careful, you can touch -- you can  
25 touch the -- the pump -- or you can touch the vessel

1 with the pump, yes.

2 Q What parts of the boat could you touch with the pump?

3 A You can touch the -- the wheels both side. In the  
4 middle, you can see the hole in -- in the vessel, you  
5 can touch that one, so -- and --

6 Q The hole in between the two front wheels --

7 A Yes.

8 Q -- on the underside of the vehicle?

9 A It's not a hole. Because it's a boat, only it's the  
10 point for -- if you have an accident in the water, you  
11 can exit this point with a --

12 THE INTERPRETER: Chain.

13 A -- with a chain, and then you can put it out of the  
14 boat.

15 So it is not a hole, because it's a boat, otherwise  
16 it will not swim. But you can reach this point and you  
17 can damage it, yes.

18 Q (By Mr. Stemler, continuing) I see. So you can touch  
19 that mounting point --

20 A Right.

21 Q -- on the underside of the vehicle with the pump?

22 A Right.

23 MR. YACKEY: Objection, form, leading, vague.

24 Q (By Mr. Stemler, continuing) I see here the -- this  
25 picture shows, I guess -- sorry, Ansgar, right above the

1 picture we were just looking at, it's labeled  
2 BAZ15\_0024543.

3 Can you describe what these black structures are on  
4 the side of the vehicle?

5 A The black --

6 MR. YACKEY: Objection, form.

7 A You can see there are three wheels on both side for --  
8 for -- to drive the Amphi-King.

9 Q (By Mr. Stemler, continuing) And do those wheels float?

10 A Float.

11 MR. YACKEY: Objection, form.

12 Q (By Mr. Stemler, continuing) One more time, Ansgar.

13 A These wheels, they float. If you put it in the water,  
14 they will swim. But there is not enough float to lift  
15 up the Amphi-King in the water.

16 Q Understood.

17 A Okay.

18 Q All right. I'm going to show you another picture.

19 Ansgar, I'm showing you a picture with a label  
20 BAZ15\_0024519. Do you see this picture?

21 A Yes.

22 Q Can you describe what this picture is showing?

23 A This -- these picture describe the connection point for  
24 each attachment you can connect -- you can connect the  
25 bucket, the cutter, the pump, the rake, everything

1           you -- this is the point in front of the boom, the  
2           connecting point for attachments.

3       Q     How does the pump connect to this?

4                   MR. YACKEY:  Objection, form.

5       A     This is connected with -- with bolts.  You can see the  
6           six holes -- or the three you can see in the picture.  
7           The other side there are also three holes, and that's  
8           the connecting point for the pump.

9           Some pictures before you saw the blue -- the blue  
10          in the middle and the -- the blue adapter, you can  
11          connect here -- or is connected here.

12          This is only black because this was in production  
13          after -- where the other picture it is blue.  So this  
14          was in production, we -- we checked everything, we --  
15          we --

16                   THE INTERPRETER:  We adapted it and then it  
17          was painted blue.

18       Q     (By Mr. Stemler, continuing) Was this same structure  
19           included on the Amphi-King products sold before 2013?

20       A     Yes.

21       Q     Can you describe how the different components shown here  
22           can rotate with respect to each other?

23                   MR. YACKEY:  Objection, form, leading.

24       A     You can see the cylinder and you can see the silver --

25                   THE INTERPRETER:  Piston rod.

1 A So you can put it in and out. And then you change the  
2 angle from the -- the adapter.

3 Q (By Mr. Stemler, continuing) Why -- why were these --  
4 why was this structure used rather than just connecting  
5 the piston rod to the connector?

6 MR. YACKEY: Objection, form.

7 A If you have more -- more space, you have more -- more  
8 abilities to -- to fix the pump. If you adapt the pump  
9 directly to the cylinder, it's -- you have not so -- so  
10 much abilities to -- to put it in other directions.

11 Also, if you -- if you adapt the bucket, so you  
12 need -- and then you have -- you need a little bit more  
13 space, a little bit more room to work with the -- the  
14 attachments. So this --

15 THE INTERPRETER: It's a -- a transposition,  
16 actually.

17 Q (By Mr. Stemler, continuing) You mentioned this -- this  
18 is a hydraulic piston. What is that hydraulic piston  
19 attached to?

20 A This side. It is attached to the -- yeah.

21 THE INTERPRETER: In German, we would call it  
22 scherburgen (sic), which is a very rare term.  
23 Shearing -- shearing something.

24 A So, no, it is -- so you need -- you need more power  
25 for -- if you have a bucket in front of it. It's the

1 same system like in the small excavator. So you have  
2 the same system, so you need more power, so it's --

3 THE INTERPRETER: It's a transposition of  
4 force.

5 A Yes. And the other side it adapted to the boom.

6 Q (By Mr. Stemler, continuing) Is this the hydraulic  
7 cylinder here?

8 A Yes, it is.

9 Q I'm going to show you another picture. Ansgar, do you  
10 recognize this picture?

11 A Yes.

12 Q What's shown in this picture?

13 A This picture shows the Amphi-King. So there's --  
14 Mr. Funck is on the Amphi-King and he drives out of the  
15 water near our factory with the Amphi-King.

16 Q Ansgar, do you know where the center of gravity on this  
17 vehicle was?

18 MR. YACKEY: Objection, form.

19 A It is near the middle from -- from the boat. Because  
20 you need to -- it must be in the -- in -- in -- it must  
21 be in the middle, because otherwise you're not stable in  
22 the water. So it must -- it is near the middle.

23 So you can change it if you make the boom longer,  
24 wider from -- far from the vessel, you go down in front;  
25 if you go near to the vessel, you lift up in the front.

1        So you can change it a little bit. And you can change  
2        it -- we fixed it with the pontoons. You see it here in  
3        the pictures.

4        Q     (By Mr. Stemler, continuing) When you were designing the  
5        vehicle, how did you design the location of the  
6        components to, I guess, improve the center of gravity?

7                MR. YACKEY: Objection, form, lacks  
8                foundation.

9        A     So we -- we -- we changed -- the main point was the two  
10        pontoons, the -- the one to the left side and one to the  
11        right side. And another point was we changed the  
12        position from -- from the engine inside and we -- we put  
13        some counterweights in -- in the back from the vessel.

14               So -- but we have -- today we have also  
15        counterweights in backside from the vessel. So if you  
16        change the -- the attachments -- so not every attachment  
17        has the same weight. If you have attachments it's not  
18        so heavy, so it can put out the counterweights. If you  
19        have heavy attachment, you could put counterweights  
20        inside. So that's the system.

21        Q     (By Mr. Stemler, continuing) Did the pump change the  
22        center of gravity of the vehicle?

23        A     Yes. The pump is a very heavy attachment, and so we had  
24        to put counterweights in the back from -- from the  
25        Amphi-King in the vessel and we had to adapt the

1           pontoons.

2       Q     When you ro -- changed the, you know, swivel of the  
3           position, Ansgar, and you moved the pump to the left or  
4           right of the vehicle, does that change the center of  
5           gravity of the vehicle?

6       A     Yes, that change --

7                   MR. YACKEY:  Objection, form.

8       Q     (By Mr. Stemler, continuing) How does it change the  
9           center of gravity of the vehicle?

10                   MR. YACKEY:  Objection, form.

11      A     So if you put the -- the pump to the left side, so the  
12           left side goes a little bit down and the right side  
13           comes a little bit up.  But you can -- it's possible to  
14           do that, but of course the gravity changed, yes.

15      Q     (By Mr. Stemler, continuing) When you had the pump in  
16           the middle of the vehicle as it's shown here, with  
17           respect to the left and the right side of the vehicle,  
18           where is the center of gravity located?

19                   MR. YACKEY:  Objection, form.

20      A     So if the pump is in the middle, the gravity is in the  
21           middle from the boat.

22      Q     (By Mr. Stemler, continuing) And from the front to the  
23           back of the vehicle, approximately where is the center  
24           of gravity of the vehicle located?

25      A     It's approximately --

1 MR. YACKEY: Objection, form.

2 A You can see Mr. Funck where he sit in the boat. Near  
3 there is the gravity from the Amphi-King.

4 Q (By Mr. Stemler, continuing) I'm going to show you  
5 another picture.

6 Ansgar, I'm showing you a couple of pictures here.  
7 They're labeled BAZ15\_0024553 and BAZ15\_0024554. Do you  
8 see these pictures?

9 A Yes.

10 Q What are these pictures showing?

11 A These pictures shows the Amphi-King. And our customer,  
12 Mr. Funck, is driving backside in the -- in the river.  
13 He's -- he's very shy, because it's not a good feeling  
14 when you drive inside and you -- you don't know what  
15 happens. And so it's almost better to drive first time  
16 backside. It's better for your feeling. If you drive  
17 forward and you have a feeling you fall out the boat.  
18 So he's very carefully driving back in the river.

19 Q Did you ever drive the Amphi-King into the water?

20 A Yes, yes, very often. Not this one. This one, also,  
21 but this one not very often. But the other one with the  
22 track system.

23 Q I'm showing you another picture -- I guess there's a  
24 couple pictures here. The first one is labeled  
25 BAZ15\_0024568 and then there's a couple pictures in

1 order, and the last one in the sequence is  
2 BAZ15\_0024570. And I guess for clarity, the one picture  
3 in the middle is BAZ15\_0024569.

4 Do you see these three pictures, Ansgar?

5 A Yes.

6 Q What are these pictures showing?

7 MR. YACKEY: Objection, form, lacks  
8 foundation.

9 A These pictures shows the Amphi-King on the water near  
10 our factory, and Mr. Funck is working with a pump or  
11 testing the pump in the water -- the dredge pump in the  
12 water.

13 Q (By Mr. Stemler, continuing) When the pump turns on,  
14 does that impact the flotation of the vehicle at all?

15 MR. YACKEY: Objection, form.

16 A Yes, you see it in -- in the first picture. If the pump  
17 is full power, you spray with full power, you go back  
18 with the boat, yes. If you not touch the ground, you go  
19 back with the boat, yep.

20 Q (By Mr. Stemler, continuing) You mentioned that the pump  
21 creates a vacuum when the pump is operating?

22 A Yes.

23 Q Does the vacuum change the floatation of the vehicle at  
24 all?

25 A Yeah.

MR. YACKEY: Objection, leading, form.

A These pictures shows some tests. So normally the -- the pump is on the ground and you wants to remove sand or whatever.

So in this -- so the pump is not on the ground. And if you start the pump with full power, there is a very big vacuum inside, and the vacuum -- the pump goes down in the water, and then the -- the complete boat goes down a little bit in the water because there's a very -- very strong vacuum when the pump is running. When the pump is not on the ground, then you can feel it.

Q (By Mr. Stemler, continuing) Ansgar, I'm showing you that -- that last picture in the sequence I mentioned earlier --

A Yeah.

Q -- ending in 570.

Do you see this picture?

A Yes.

Q What is this picture showing?

MR. YACKEY: Objection, form.

A It's -- it shows the Amphi-King in the water, so it's working -- the guy's working with the pump. You see the -- the spray pipe or the -- the spray goes back in the water. And, yeah, that's what this picture shows,

1           yep.

2       Q     (By Mr. Stemler, continuing) How was the Amphi-King  
3           vehicle propelled?

4                   MR. YACKEY:  Objection, form.

5       A     So there is a -- a propeller backside from the  
6           Amphi-King and it's driven with a propeller in the  
7           water.  Out of the water of course with the wheels.

8       Q     (By Mr. Stemler, continuing) Are there any other  
9           components on the pump that could -- or on the vehicle  
10          that could propel the vehicle?

11      A     You can drive backward with -- with -- with the pump.  
12          So this situation, you can see -- maybe you can see it  
13          backside from the Amphi-King, there's the small wave.  
14          So it -- it shows that the Amphi-King in this position  
15          goes back from the injector from the spray pipe.

16               But it's only to go -- yeah, you can go back and  
17          you can steer it a little bit with the outrigger.  If  
18          you do the outrigger to the right or to the left side,  
19          then you can change the direction from the boat  
20          backward.

21      Q     And the pump was able to provide all of that propulsion?

22      A     Yes.

23                   MR. YACKEY:  Objection, form, leading.

24                   THE INTERPRETER:  Yes, the pump could provide  
25          that propulsion backwards the way that we build it.

Q (By Mr. Stemler, continuing) What types of materials could the pump pump?

MR. YACKEY: Objection, form, lacks foundation, vague.

A All -- all kinds of -- of fluid and mud, sand and sediment with -- with a diameter, I don't know, up to three, four centimeters. And -- but you need fluid. So you cannot only pump sand, you need water, your fluid. You can pump it up to 25 percent material and the rest must be water or another fluid -- or another fluid. Not water or another fluid, of course.

Q (By Mr. Stemler, continuing) Could the pump pump a -- like a stick or something floating in the water?

MR. YACKEY: Objection, form.

A If there is small weed or small wood -- so the pump, first step I explained in some picture before where we'll cut it from the cutter and then it works.

But it's -- this pump is not built to -- to pump weed or wood. So it would stop after some minutes and then you have to clean it. But if there is one -- one wood or a little bit of weeds, it's -- the pump is able to do that.

But the main sedi -- the main product is to pump sand or sediment or small stones for this pump.

Q (By Mr. Stemler, continuing) You mentioned that the boom

1 arm could rotate the pump in a horizontal direction.

2 Were there any components on the boom arm that  
3 could move the, you know, pump -- rotate the pump in a  
4 vertical direction?

5 MR. YACKEY: Objection, form, leading.

6 A You can change the position from the pump with the  
7 cylinders, of course.

8 Q (By Mr. Stemler, continuing) Ansgar, sorry, let me  
9 rephrase the question.

10 How did you change the pump in a vertical plane  
11 using the boom arm?

12 MR. YACKEY: Objection, form.

13 THE INTERPRETER: Could you repeat the  
14 question? I think something is --

15 MR. STEMLER: Yeah.

16 Q (By Mr. Stemler, continuing) How could you change the  
17 angle of the nozzle using the boom arm?

18 MR. YACKEY: Objection, form.

19 A Also, you can change it with the -- with the hydraulic  
20 cylinders. Hydraulic cylinder, you can change it.  
21 Yeah, you can change the position, yes.

22 It's -- you can bring it in from a vertical  
23 position in a horizontal position.

24 Q (By Mr. Stemler, continuing) Ansgar, what type of pump  
25 was the dredging pump?

1 MR. YACKEY: Objection, form.

2 A What is -- what kind of pump? It was ex -- what is the  
3 word?

4 THE INTERPRETER: Eccentric (sic) pump.

5 Q (By Mr. Stemler, continuing) Does the term "centrifugal"  
6 mean anything to you?

7 A Yeah, yes, yes. So there is impeller inside and the --  
8 what is the special word for -- centrifugal.

9 THE INTERPRETER: Centrifugal.

10 THE WITNESS: Yeah.

11 Q (By Mr. Stemler, continuing) I'll show you another  
12 picture here.

13 Ansgar, I'm showing you a sequence of pictures  
14 starting with BAZ15\_0024579 and going up to, you know,  
15 the same Bates number ending in 580 and same Bates  
16 number ending 581.

17 Can you see these pictures?

18 A Yes, yes, I can see it.

19 Q What are those pictures showing?

20 A These pictures shows the Amphi-King with -- with the  
21 wheel system. And the -- the operator, Mr. Funck is  
22 driving out of the lagoon, out of the river.

23 Q Have you ever driven the Amphi-King out of a river?

24 A Yes, last week in Poland, another Amphi-King.

25 Q Did you ever drive the Amphi-King out of a river before

1 2013?

2 A Yes. I was the guy who has to check -- the first test  
3 with the track system, so I was responsible for it and I  
4 had to check it, yes.

5 Q I'm now showing you a picture with a Bates label  
6 BAZ15\_0024597.

7 Can you explain what this picture is showing,  
8 Ansgar?

9 A Yeah. You can see the -- the cockpit from the  
10 Amphi-King. So the two joysticks in the middle are  
11 responsible for the boom. And so there are two small  
12 joysticks on -- on the right side. One is for -- for  
13 the -- the big oil flow for the boom, for the  
14 attachment, one is for a smaller not so big oil flow for  
15 a cutter. And the third joy stick is for the propeller  
16 backside. On the right side -- completely on the right  
17 side there, you can see a small der hebel --

18 THE INTERPRETER: Small what? Oh, small  
19 lever.

20 A Yeah. There you can change --

21 Q (By Mr. Stemler, continuing) What --

22 A -- from the engine. From the bottom --

23 Q What was the climb needle (sic)?

24 A What do you say?

25 MR. STEMLER: What was that German word again,

1 Ruth?

2 THE INTERPRETER: Hebel, lever.

3 MR. STEMLER: Lever, okay.

4 A On the right side, you can change the rolls from the  
5 engine. And on the bottom in the picture, you can see  
6 the two pedals, they are responsible for the -- the  
7 wheels or the track system. The right is for the right  
8 side and the left is for the left side.

9 Q (By Mr. Stemler, continuing) Can you please explain how  
10 you can use those pedals to steer the vehicle?

11 A Yeah. If you press on the top, so you -- you drive  
12 forward; if you press it on the backside, you drive  
13 backward.

14 Q Why are there two pedals?

15 A Because you have to -- to change the -- the rolls from  
16 the track system or the wheels when you wants to drive  
17 the curve. So we have to handle -- to -- to steer --  
18 steering the boat with these pedals.

19 Q So if I wanted to make a right-hand turn with the  
20 vehicle, could you explain how I would do that using  
21 these pedals?

22 A You wants to drive to the right side?

23 Q Yes.

24 A So you have to press the -- the left pedal on the top,  
25 then you drive to the right side.

1 Q And what would happen when I press that left pedal?

2 A If you press it on the top, you drive to the right side.  
3 If you press it on the back, you'll drive backward and  
4 to the right side.

5 Q All right. I'm showing you another picture labeled  
6 BAZ15\_0024591.

7 Do you see this picture, Ansgar?

8 A Yes.

9 Q Can you -- do you know where this picture was taken?

10 A Yes, it is the same area as we saw in the -- the  
11 pictures before. It's an area near our company  
12 SenwaTec. I don't know, maybe 500 meters far from  
13 there. So it was our test pond or test area for all  
14 Amphi-Kings we produced.

15 Q Was this a public area?

16 A Yes, yes. You see it -- look to the left side on the  
17 picture, you see the boats there. It was a very public  
18 area. So everybody would come there and take a look at  
19 it.

20 Q Do you know the people who are shown in this picture?

21 A Some of these people, yeah. Mr. Funck is sitting in the  
22 boat. And in the background, you can -- maybe you can  
23 make it a little bit bigger.

24 So on the -- on the left there, the old man you can  
25 see, it was the father from Mr. Rainer Schröer, so it

1 was the senior boss you can say. So this guy -- or this  
2 man worked for -- around about 40 years for -- for Berky  
3 and, yeah, he stopped. He stopped and then his son made  
4 a new company, it was SenwaTec. And so they had a lot  
5 of experience to -- to -- how to build these boats.

6 And, yeah, on the right side you can see that's  
7 Mr. Koop, I told you. Right, right, right. Yeah, that  
8 one.

9 Q In the plaid jacket?

10 A Yes. So that was the owner from the factory where they  
11 produced the first one where it started, the production  
12 from the Amphi-King with the wheel system before  
13 SenwaTec had a place where they could produce.

14 Q What body of water is shown here?

15 A It is -- it's -- it's an -- what is --

16 THE INTERPRETER: It's a side arm of the river

17 Ems.

18 A Side arm from the river, yes. The river is Ems.  
19 It's -- it's near our company and it's a side arm. It's  
20 not a big flow there and it's not so deep. And you see  
21 there is a ramp. There is an all public -- guys can  
22 come here and put their boats in the water. And so we  
23 used this place for -- for testing our products.

24 Q (By Mr. Stemler, continuing) Do you recognize this green  
25 vehicle in the background?

1 A Yeah, it is our ugly car, what we use at Berky -- at  
2 SenwaTec. So you could see it from far, far away it was  
3 so -- so ugly colored, so -- yeah, I know that one very  
4 good, yes.

5 Q Have you ridden in that car before?

6 A Yes, thousands of kilometers with that one. We drive to  
7 Xavier, to Poland, everywhere, yes.

8 Q Ansgar, do you know when all these pictures were taken?

9 A These pictures, it must be in 2011 or '12.

10 Q How do you know that?

11 A I think, yeah, because it was the first one. It was the  
12 first amphibious one and we checked it. So it must be  
13 in '11 or 12. I think it was in '11. Maybe it was in  
14 '12. I'm not sure. But it was before 2013, of course.

15 Q Do all of these pictures that we looked at in this  
16 exhibit truthfully and accurately describe the  
17 Amphi-King vehicle that you sold before 2013?

18 A Yes.

19 MR. YACKEY: Objection, form, vague.

20 MR. STEMLER: All right. I have one other  
21 exhibit that I'd like to share.

22 (Deposition Exhibit 40 was marked for  
23 identification.)

24 MR. STEMLER: Sorry. I'm just waiting for  
25 this to load again. Ansgar, I'm trying to share an

1 exhibit, Defendant's Exhibit 40. This is a video  
2 that I wasn't able to mark but I've titled  
3 Exhibit 40 here.

4 We can take a short break while this is  
5 loading. Do you guys want to meet back in five  
6 minutes? Go off the record?

7 VIDEOGRAPHER: We are going off the record.  
8 Time now is 1:02.

9 MR. STEMLER: Thank you.

10 (A recess was taken.)

11 VIDEOGRAPHER: We are back on the record.  
12 This is the start to Media No. 4. The time is  
13 1:07.

14 Q (By Mr. Stemler, continuing) Ansgar, I have one last  
15 exhibit that I'd like to share. I've pulled up  
16 Defendant's Exhibit 40. Do you see my screen?

17 A Yes.

18 Q I'm going to go ahead and start the video of Defendant's  
19 Exhibit 40. Ansgar, do you recognize this video?

20 (Video is playing.)

21 A Yes.

22 Q (By Mr. Stemler, continuing) What is this video showing?

23 A This video is showing -- well, the company UD  
24 Umweltdienste, you see there in the picture, they're  
25 working with the Amphi-King. So they're driving

1 backside in the -- biomass, in the klarschlumm (ph).

2 THE INTERPRETER: Sludge, slurry.

3 THE WITNESS: Klarschlumm, and so --

4 THE INTERPRETER: Sludge or slurry.

5 A Yeah. So that's what I explained some minutes before.  
6 And -- yeah, that was a job. That was the business from  
7 Mr. Funck, UD Umweltdienste, and for that one they --  
8 they used our Amphi-King.

9 Q (By Mr. Stemler, continuing) Ansgar, did you ever see  
10 this video before 2013?

11 A Yes.

12 Q Where did you see this video?

13 A I saw this video in the Internet.

14 Q Does this video truthfully and accurately depict the  
15 Amphi-King?

16 MR. YACKEY: Objection, form.

17 A Yes, that's absolute true. Yes. There you can see  
18 the --

19 Q (By Mr. Stemler, continuing) Propeller?

20 A No. The -- the -- so there you can see it's driving  
21 from the trailer. So that's --

22 Q And that Mr. Eckhard Funck?

23 A That's Mr. Funck, yes, it is.

24 MR. STEMLER: Okay. No further questions at  
25 this time. Scott, you can go ahead.

1 MR. YACKEY: All right. Give me one second.

2 MR. STEMLER: Could I get of the total run  
3 time at this point?

4 VIDEOGRAPHER: Three hours, 11 minutes.

5 MR. STEMLER: Thank you. And for the record,  
6 I've got 1:10 p.m. Central Time right now.

7 MR. YACKEY: All right. I'm going to share my  
8 screen here now.

9 (Deposition Exhibit 1 was marked for  
10 identification.)

11 EXAMINATION

12 BY MR. YACKEY:

13 Q I've marked as displayed Plaintiff's Exhibit 1, PX 1.

14 Can you see this, Mr. Lonnemann?

15 THE INTERPRETER: It's very small. I can see  
16 it, but I can't really read it.

17 THE WITNESS: Yes.

18 Q (By Mr. Stemler, continuing) Have you seen this document  
19 before?

20 MR. STEMLER: Objection, form.

21 THE INTERPRETER: Not that I know of, no.

22 Q (By Mr. Yackey, continuing) Okay. Are you aware that  
23 you're here today to give deposition testimony in  
24 connection with a patent infringement lawsuit filed by  
25 Nuhn Industries, Limited against Bazooka Farmstar, LLC

1 pending in the United States District Court for the  
2 Southern District of Iowa, Case No. 3 -- go ahead.

3 A Yeah.

4 THE INTERPRETER: Yes.

5 Q (By Mr. Yackey, continuing) All right. Where are you  
6 today?

7 A I'm here in Atlanta.

8 Q When did you get to Atlanta?

9 A I arrived on -- let me -- on Tuesday.

10 MR. STEMLER: Objection, relevance.

11 Q (By Mr. Yackey, continuing) How long are you in the  
12 United States?

13 A I think around about two weeks. It's not clearly -- not  
14 absolutely sure, but I'm here for -- for this weekend I  
15 will be here for trade show in Atlanta, and then I will  
16 go to Louisiana. We will make demonstrations with a  
17 Weidhauser (ph). And after that I will go to West Palm  
18 Beach, I will visit our dealer Wedo (ph). And after  
19 that, I will go home. Plan is to go home on  
20 September 18.

21 Q What did you do to prepare for your deposition today?

22 MR. STEMLER: Objection, attorney-client  
23 privilege -- calls for attorney-client privileged  
24 information.

25 Ansgar, you can answer the question, but don't

1 talk about the substance of any of our  
2 conversations.

3 THE WITNESS: No. What I can answer is not a  
4 problem.

5 A So I have this declaration here, I have it in German and  
6 in English, and I read it and so that's all. So that  
7 was not so big --

8 THE INTERPRETER: It wasn't any extensive  
9 preparation. I just merely read this letter again  
10 and that was it.

11 MR. STEMLER: And, Ansgar, you can explain  
12 that you and I discussed, but don't speak about any  
13 of the specifics about what we talked about.

14 THE WITNESS: No. That's okay. That's okay.

15 Q (By Mr. Yackey, continuing) Do you have any documents in  
16 front of you right now?

17 A I have the declaration in English and in German and  
18 that's all.

19 Q Do you know if that German language declaration has been  
20 produced in this case?

21 MR. STEMLER: Objection, form.

22 THE INTERPRETER: So the German version I did  
23 myself in Germany, and then it was sent here and  
24 then it was translated here.

25 THE WITNESS: No. Sorry. No. It was

translated before. We sent the English version, it was translated in Germany, so --

THE INTERPRETER: I misunderstood you, okay.

Q (By Mr. Yackey, continuing) Who -- who -- so did you write the German language declaration?

A Yes, yes.

Q Who -- who translated it from German to English?

MR. STEMLER: Objection, form. Objection, harassment. The witness said that he understands the -- the declaration. This is irrelevant.

MR. YACKEY: Taylor, I'm just trying to -- as far as I know, this German language version of his declaration has not been produced, and I just want to know if he wrote it into German and I'm just asking who translated it.

A So I did it in -- in German. I translated in -- in English with help -- with translation -- translating tool. And we have -- I have a colleague in -- at Berky and he's very -- his family is German, but he lives about 12, 13 years in Bangkok. He's very familiar with the -- the -- the English language and he --

THE INTERPRETER: He helped me, he proofed it.

Q (By Mr. Yackey, continuing) What's his name?

A His name -- Martin -- is it -- is it okay?

THE INTERPRETER: Is it okay to say the name?

1 MR. STEMLER: Objection, form. Go ahead and  
2 answer, Ansgar.

3 A It was Martin Alkemeier.

4 THE INTERPRETER: Martin Alkemeier.  
5 Alekemeier?

6 THE WITNESS: Alkemeier.

7 THE INTERPRETER: A-l-k-e-m-e-i-e-r.

8 THE WITNESS: Right.

9 Q (By Mr. Yackey, continuing) Did you provide the German  
10 language version to Merchant & Gould?

11 THE INTERPRETER: No.

12 Q (By Mr. Yackey, continuing) Have they asked you for it?

13 MR. STEMLER: Objection, calls for  
14 attorney-client privileged information and instruct  
15 the witness not to answer.

16 THE WITNESS: Okay.

17 Q (By Mr. Yackey, continuing) Who did you meet with in  
18 preparation for your deposition today?

19 MR. STEMLER: Objection, calls for  
20 attorney-client privilege. Ansgar, you can answer  
21 to the extent you just provide a name, but do not  
22 reveal the contents of any conversation.

23 THE INTERPRETER: I don't quite understand the  
24 question as to who I met with. Do you mean here in  
25 Atlanta or per videoconference or what?

Q (By Mr. Yackey, continuing) Who did you meet with in Atlanta?

THE INTERPRETER: I traveled here by myself and then I came to this building and I'm doing this video deposition now. I didn't meet with anybody who was related with this case -- to this case.

MR. STEMLER: And, Ansgar, you can explain that you and I discussed on video call yesterday, but do not --

A Yes, video call, yes, but not in person. So he's not a person I meet here in -- in Atlanta. We had a video call. We checked the -- the -- the -- the technique, if it works and everything. I check the room here, but nothing else.

Q (By Mr. Yackey, continuing) So you met with no attorneys in Atlanta in preparation for today's deposition?

A No.

THE INTERPRETER: No.

Q (By Mr. Yackey, continuing) Other than Taylor by videoconference yesterday, did you meet with any other attorneys for Merchant & Gould in preparation for today's deposition?

A No.

Q How long did you meet by videoconference with Mr. Stemler yesterday?

1 MR. STEMLER: Objection, calls for  
2 attorney-client privileged information.

3 Ansgar, you can give him a general answer for  
4 how -- you know, the length of time that we met,  
5 but please do not provide any discussion or, you  
6 know, answer about the substance of what we  
7 discussed.

8 A I didn't stop the time. But I think it was -- maybe it  
9 was -- it was maybe a little bit more than an hour. So  
10 we checked the -- the -- the technical parts and I ask  
11 for translation, if I need translation and whatever  
12 and -- 'cause this is my first declaration, and so maybe  
13 a little bit longer than one hour. I didn't stop it. I  
14 don't know.

15 Q (By Mr. Yackey, continuing) Have you been paid for your  
16 travel expenses here in connection with your deposition?

17 MR. STEMLER: Objection, form. Objection,  
18 calls for attorney-client privileged information.

19 You can go ahead and answer the question but,  
20 again, be careful not to reveal all the contents of  
21 any of our discussions.

22 A So I do not -- not earn money with this here and -- no,  
23 I will not get money for this one, no.

24 Q (By Mr. Yackey, continuing) Is -- is Merchant & Gould or  
25 Bazooka Farmstar, the defendant in this case,

1           reimbursing any of your travel expenses?

2       A     No.

3                       MR. STEMLER:  Objection, calls for  
4           attorney-client privileged information.

5                       You know, Ansgar, you can explain that, you  
6           know, we're paying for your hotel room.  But other  
7           than that, you know, please don't reveal the  
8           contents of our discussion.

9       A     No, I -- I don't get no money here, no.  I'm here for --  
10          for working here and -- so this is a video call for my  
11          declaration.  But I will not get money with this one,  
12          no, no.

13       Q     (By Mr. Yackey, continuing) But is it correct that  
14          Merchant & Gould has paid for your hotel room?  Do I  
15          understand correctly?

16       A     They booked the hotel for me, but I don't know who will  
17          pay that.  If they will pay it or if Berky will pay it.  
18          I don't know.

19                       They -- they made a reservation for me, that's  
20          right.  But I book my flights on my own.  And I don't  
21          know who will pay for that after that.  But I didn't get  
22          money for that.

23       Q     So do you know if Berky is going to be reimbursed for  
24          your flights by Merchant & Gould?

25       A     I think they -- they will, but I'm -- it's not my -- I'm

1 not involved in this. I don't know who pays for what.

2 Q Have you been paid by Merchant & Gould for any  
3 consulting work?

4 MR. STEMLER: Objection, form, harassment,  
5 relevance.

6 Ansgar, you can go ahead and answer the  
7 question.

8 THE INTERPRETER: No.

9 Q (By Mr. Yackey, continuing) Do you know --

10 A No.

11 Q Do you know --

12 A Sorry. No.

13 Q Do you know if Berky has been paid by -- by Merchant &  
14 Gould for any consulting work?

15 THE INTERPRETER: I'm sorry. The -- the audio  
16 was bad. Could you repeat the question, please?

17 MR. YACKEY: Yes.

18 Q (By Mr. Yackey, continuing) Do you know if Berky has  
19 been paid by Merchant & Gould for any consulting work?

20 MR. STEMLER: Objection, same. Go ahead and  
21 answer, Ansgar.

22 A I don't know that to be true. I don't know.

23 Q (By Mr. Yackey, continuing) Are you here today  
24 testifying on behalf of yourself?

25 MR. STEMLER: Objection, vague.

THE INTERPRETER: I -- I -- I don't understand.

A Yes. I'm -- I'm happy to be here, because I'm -- I know that we produced this product before 2013. And so, yes, I'm here to -- to explain the Amphi-King. And I know that it is true that we produced it before 2013 and we used this one with a -- with a pump in front of. And so it makes absolute sense to -- to be here and to explain what happens, what -- what -- what we built.

So I'm proud of this product. I -- I built this one. And so, yes, I'm happy to be here, yes.

Q (By Mr. Yackey, continuing) Are you testifying on behalf of Berky?

MR. STEMLER: Objection, harassment, irrelevant, vague.

THE INTERPRETER: Strictly speaking, I am here for Berky because they asked me. But I'm also here because of my own conviction, because I know that we built these vehicles.

Q (By Mr. Yackey, continuing) Are the attorneys for Merchant & Gould representing you?

MR. STEMLER: Objection, calls for attorney-client privileged information.

Ansgar, you can go ahead and answer the question, but don't reveal the contents of our

1           conversations.

2                   THE INTERPRETER: The way I see it is that I'm  
3           being represented by Mr. Taylor Stemler, my  
4           attorney.

5   Q    (By Mr. Yackey, continuing) When did Mr. Stemler --  
6           strike that.

7           When did Mr. Stemler's representation of you begin?

8                   MR. STEMLER: Objection, calls for  
9           attorney-client privileged information. Objection,  
10          relevance. Objection, form.

11          Scott, I can provide you the dates that, you  
12          know, we started representing Ansgar. But, I mean,  
13          I don't really see the relevance of this question  
14          here.

15   Q    (By Mr. Yackey, continuing) Just, Mr. Lonnemann, do you  
16          know the date?

17   A    Not the exact date, so I have to -- I can look in this.  
18          So I had signed this document and it was some weeks  
19          before. But the exact date, I -- I don't know in my  
20          mind. So it's -- it takes a little bit of time, right?

21          We -- we start some tests to -- to make  
22          declaration. There was one time I was in Belgium, so  
23          they cancelled short before it start. And so maybe half  
24          year before, I don't know. The exact date I don't know.

25   Q    Before you signed --

1 A I signed this one here it was in June -- June the 15th  
2 last year. So I signed it, so it started short before,  
3 sometime before.

4 Q June of 2023?

5 A 2023.

6 MR. STEMLER: I can -- I can tell you when we  
7 started representing him. It was May of 2024.

8 THE WITNESS: May of 2024?

9 Q (By Mr. Yackey, continuing) Who first reached out to you  
10 about this case?

11 A Sorry?

12 Q Who first reached out to you about this case?

13 A My boss. My boss. It was Mr. Felix Knoll. He asked me  
14 to do -- this or he asked if I wants to do this.

15 Q Did he explain to you --

16 A He's the owner from Berky at the moment.

17 Q And what was his last name?

18 A Knoll.

19 THE INTERPRETER: N-o-l-l?

20 THE WITNESS: K-n-o-l-l.

21 THE INTERPRETER: Okay. His last is

22 K-n-o-l-l.

23 Q (By Mr. Yackey, continuing) And first name, was that  
24 Felix?

25 A Felix, right.

1 Q Did you say he is the current owner of Berky?

2 MR. STEMLER: Objection, form.

3 A Yes, yes, yes. He's the CEO from Berky, yes.

4 Q (By Mr. Yackey, continuing) Did he explain to you why he  
5 was coming to you?

6 MR. STEMLER: Objection, vague.

7 MR. YACKEY: I'll strike that. I'll ask it a  
8 different way.

9 Q (By Mr. Yackey, continuing) Did he explain to you  
10 anything about this case?

11 MR. STEMLER: Same objection.

12 THE INTERPRETER: So what he explained to me  
13 is that somebody here filed for a patent for this  
14 technology and claimed that they invented it. And  
15 I know that we had it already, and that there was a  
16 lawsuit going on. And that's what he explained to  
17 me.

18 Q (By Mr. Yackey, continuing) Before your involvement in  
19 this case, have you ever -- have you ever heard of Nuhn  
20 Industries, Limited?

21 A No, never.

22 Q Before your involvement in this case, have you ever  
23 heard of Bazooka Farmstar, LLC?

24 A No, never.

25 Q And if I refer to Nuhn Industries limited as Nuhn, will

1           you understand what I'm talking about?

2                   THE INTERPRETER: Frankly, no.

3       Q       (By Mr. Yackey, continuing) So if I -- if I use Nuhn as  
4       shorthand for the -- the full party, will you understand  
5       that I'm referring to Nuhn Industries, Limited?

6                   THE INTERPRETER: Now I do.

7       Q       (By Mr. Yackey, continuing) And if I refer to Bazooka as  
8       shorthand for Bazooka Farmstar, LLC, will you understand  
9       what I'm talking about or referring to?

10      A       Yes.

11                   THE INTERPRETER: Yes.

12      Q       (By Mr. Yackey, continuing) Where do you currently live?

13                   MR. STEMLER: Objection, form.

14      A       In Deutschland.

15                   THE INTERPRETER: In Germany.

16      Q       (By Mr. Yackey, continuing) What city?

17                   THE INTERPRETER: It's actually a small town.

18                   The name is Gesste. G-e-e-s-t-e?

19                   THE WITNESS: G-e-e-s-t-e, yeah

20                   THE INTERPRETER: G-e-e-s-t-e.

21      A       It's in the north from Germany.

22      Q       (By Mr. Yackey, continuing) Did you go to college?

23                   THE INTERPRETER: No, but I did my master  
24       exam -- not a college master examination, but  
25       master of test in -- in my -- I have -- I have

1 master in engineering. Not the college master, but  
2 the -- the master level engineer.

3 I was -- I was a late bloomer. I went back to  
4 school at 38. I don't know if that is important or  
5 not, but --

6 A That's my way, yeah.

7 Q (By Mr. Yackey, continuing) So did you go to -- to  
8 university and get a degree in engineering?

9 A No. It was -- it was not a -- it was a school so you  
10 can visit it in the evening after working. You can  
11 visit it in the evening. And I was in it for four years  
12 and then I make my master and --

13 THE INTERPRETER: So I did it at night school.

14 I don't know if I can explain something or  
15 not. But, you know, in Germany you have to level  
16 apprentice, journeyman, and then master. And this  
17 is the type of master he's talking about in  
18 engineering.

19 Q (By Mr. Yackey, continuing) So was it like a -- strike  
20 that.

21 When did you receive your -- your master level  
22 certification?

23 A It was in 2008. Was it 8? Just a minute. I started in  
24 '08 and finished it in -- it was --

25 THE INTERPRETER: I'm not exactly sure of the

1 year when I finished. I think it was 2010 or 2011.  
2 It was shortly before I started at SenwaTec. So my  
3 first master job, as we would say in Germany,  
4 master position, was with SenwaTec.

5 THE WITNESS: Yeah.

6 Q (By Mr. Yackey, continuing) So would you consider  
7 yourself to have a degree in mechanical engineering?

8 MR. STEMLER: Objection, calls for  
9 speculation, vague.

10 THE INTERPRETER: Yeah. So maybe I can  
11 explain a little bit. Before that, for 15 years I  
12 was for -- working for a company where I only did  
13 the draw links, did all the testing. I was  
14 responsible for all the testing. We built about  
15 200 machines in a year.

16 So these -- these were like road paving  
17 machines. In -- in that job where I did -- was the  
18 road machines, the hydraulics were very important  
19 and quality was very, very important. And I was  
20 working with that. And so in that company, they  
21 suggested that I should go back to school and I  
22 should get my master's examination in that. And  
23 that's what prompted me to do it.

24 So my experience in hydraulics has not just  
25 come from SenwaTec or Berky, but also from many

1 years before in a different company. And that's  
2 why with SenwaTec I was able to introduce my ideas  
3 and I was able to bring them into this project, and  
4 that's why I'm happy that I'm here today and have  
5 the opportunity to talk about it.

6 THE WITNESS: Yeah.

7 Q (By Mr. Yackey, continuing) So do you have any  
8 experience in designing marine vehicles?

9 THE INTERPRETER: No, I'm -- I'm not a  
10 designer. I'm a practical builder. I don't do the  
11 calculations or anything for it.

12 MR. STEMLER: Objection, vague question.

13 Objection, form.

14 Q (By Mr. Yackey, continuing) Do you have any experience  
15 in designing off-road vehicles?

16 MR. STEMLER: Objection, vague. Objection,  
17 form.

18 A No, no.

19 Q (By Mr. Yackey, continuing) Do you have any experience  
20 in designing fluid pumps?

21 MR. STEMLER: Vague. Objection, relevance.

22 Objection, form.

23 THE INTERPRETER: So I'm not a designer of  
24 pumps and I don't have any experience in building  
25 pumps. I know how they are. I know their

1 structure. But I don't know how you use these  
2 pumps in a hydraulic system -- what they can do in  
3 a hydraulic system. That's where my experience is.

4 Q (By Mr. Yackey, continuing) So have you ever designed a  
5 hydraulic fluid pump?

6 THE INTERPRETER: No, I didn't design a pump  
7 as such.

8 Q (By Mr. Yackey, continuing) Do you have any experience  
9 with livestock manure?

10 MR. STEMLER: Objection, vague. Objection,  
11 form.

12 THE INTERPRETER: No, I never worked on that.

13 Q (By Mr. Yackey, continuing) Have you ever been a  
14 livestock farmer?

15 MR. STEMLER: Objection --

16 THE INTERPRETER: No. The farming wasn't  
17 really my thing. Both my grandfathers were  
18 farmers, but it wasn't really my thing. But I do  
19 like animals and I have 300 doves.

20 THE WITNESS: Pigeons -- racing pigeons in my  
21 home.

22 THE INTERPRETER: Racing pigeons. Maybe it's  
23 interesting for you, I don't know.

24 THE WITNESS: 300 -- so they're animals, too.  
25 You were asking about animals.

1 MR. STEMLER: Objection, vague and ambiguous.

2 Q (By Mr. Yackey, continuing) I'm very curious about  
3 racing pigeons, but I won't ask any questions about it  
4 today.

5 You're not a commercial manure applicator, are you?

6 A No.

7 Q Are you familiar with manure agitation equipment?

8 MR. STEMLER: Objection, vague.

9 THE INTERPRETER: So I live in a small village  
10 with about a dozen people and I see these things  
11 every day. They're driving around there every day,  
12 so I'm familiar with them. But I never built one  
13 and I don't know anything -- I've never worked with  
14 one.

15 Q (By Mr. Yackey, continuing) When you say "these things",  
16 what -- what are you referring to exactly that you've  
17 seen?

18 MR. STEMLER: Objection, form.

19 THE INTERPRETER: Manure agitators. I'm not  
20 sure I know what -- and understand what you're  
21 talking about. But what I'm talking about is that  
22 so, you know, we're like a small town and there's,  
23 like, fields. And in the spring, the manure is  
24 being carted out to the field and then there's --  
25 you know, it's plowed under and it's distributed,

1 if that's what you're talking about.

2 Q (By Mr. Yackey, continuing) No. But that's -- that's  
3 helpful just to help explain what you're familiar with.

4 Have you ever seen a manure lagoon?

5 MR. STEMLER: Objection, vague and ambiguous.

6 THE INTERPRETER: You said a manure lagoon?

7 MR. YACKEY: Yes.

8 THE WITNESS: Yes, yeah.

9 THE INTERPRETER: Yes.

10 THE WITNESS: Yes.

11 Q (By Mr. Yackey, continuing) Where have you seen one?

12 THE INTERPRETER: Probably in -- in my home  
13 village, there's probably five of them. Every  
14 farmer has one.

15 Q (By Mr. Yackey, continuing) Are they -- are they  
16 uncovered?

17 THE INTERPRETER: Okay. Where I live they are  
18 covered. They're protected so nobody can drive in  
19 there.

20 Q (By Mr. Yackey, continuing) Have you ever seen one  
21 that's uncovered?

22 MR. STEMLER: Objection, vague.

23 THE INTERPRETER: No, not in my home village.  
24 And I've really never made it my case to visit one  
25 of them or look for one of them.

Q (By Mr. Yackey, continuing) So the -- the covered manure lagoons that you've seen in your home village, can someone have driven an Amphi-King into it?

MR. STEMLER: Objection, calls for speculation.

THE INTERPRETER: No.

THE WITNESS: No.

THE INTERPRETER: Yeah. I don't know what you're getting at. But I'm just saying what we have in my village, those are not the huge lagoons, you know, those are small farmers who have their manure things. So I don't know what you're aiming for.

But we just saw in the video these -- these slurries or sludge lagoons, they're not in my home village. I don't want us to talk about two different things here.

Q (By Mr. Yackey, continuing) So in -- strike that.

I'm going to share my screen again. Can you see my screen?

A Yes.

Q And this is previously introduced Defendant's Exhibit 33. Do you see that?

A Yes.

Q So this is the declaration that you've submitted in this

1 case; is that right?

2 A Right, right.

3 Q And you said that you first wrote this declaration in  
4 German, correct?

5 A Yes.

6 Q Can you write in English?

7 MR. STEMLER: Objection, form.

8 THE INTERPRETER: So you've seen here how well  
9 my English works, and I write about as well as I  
10 speak.

11 Q (By Mr. Yackey, continuing) Did you make any revisions  
12 to your declaration before signing it?

13 MR. STEMLER: Objection, form.

14 THE INTERPRETER: Yeah. I mean, there are  
15 probably a couple words where I didn't know and I  
16 had it translated again with Google Translate and  
17 then I write it and -- and then I signed it.

18 Q (By Mr. Yackey, continuing) So you used Google Translate  
19 to translate the German into English?

20 MR. STEMLER: Objection, assumes facts not in  
21 evidence, mischaracterizes earlier testimony.

22 THE WITNESS: DeepL. I always work with  
23 DeepL.

24 THE INTERPRETER: I always work with DeepL.

25 THE WITNESS: Yes. D-e-e-p-l-e (sic).

1 Q (By Mr. Yackey, continuing) Is that -- What is DeepL?

2 A DeepL is a tool for translation.

3 THE INTERPRETER: It's spelled D-e-e-p and  
4 then a capital L.

5 MR. YACKEY: Like DeepL?

6 THE INTERPRETER: Yes.

7 MR. YACKEY: Okay.

8 Q (By Mr. Yackey, continuing) And you used DeepL to  
9 translate your German language declaration into English?

10 A Yes.

11 Q Your declaration has three exhibits, correct?  
12 Exhibit A, Exhibit B, and Exhibit C, correct?

13 A Correct.

14 Q Did you prepare any of these exhibits?

15 MR. STEMLER: Objection, vague.

16 THE INTERPRETER: So Berky purchased SenwaTec,  
17 and some of these things here are from before --  
18 before 2013. And so I had some help from our IT  
19 department in doing that.

20 Q (By Mr. Yackey, continuing) So after -- after Berky  
21 purchased SenwaTec, was there any change to SenwaTec's  
22 facilities?

23 THE INTERPRETER: I don't quite understand the  
24 question. So SenwaTec was purchased by Berky, and  
25 at that point it ceased to exist. And all of the

1 products that were at SenwaTec and all of the  
2 employees that were at SenwaTec completely  
3 transferred over to Berky, and there we continued  
4 to build exactly the same products.

5 Q (By Mr. Yackey, continuing) Was there a change in how  
6 paper documents were kept following Berky's purchase of  
7 SenwaTec?

8 MR. STEMLER: Objection, form.

9 THE INTERPRETER: So Berky is much bigger than  
10 SenwaTec was. I mean, there are more people there  
11 and it -- the structures were bigger, it had a  
12 bigger technical department, it had a bigger IT  
13 department. And so everything did change a bit,  
14 but I was responsible for production at SenwaTec  
15 where everything was on a much smaller scale. I  
16 was more involved in everything else. But then at  
17 Berky, I was involved in production and not in all  
18 the other things that I was involved in in  
19 SenwaTec.

20 Q (By Mr. Yackey, continuing) Did -- are you aware of  
21 whether electronic files of SenwaTec's were changed or  
22 altered when Berky purchased SenwaTec?

23 MR. STEMLER: Objection, form.

24 A No.

25 Q (By Mr. Yackey, continuing) Were electronic documents

1           kept on site at SenwaTec before October 31st, 2015?

2                   MR. STEMLER:  Objection, form.

3                   THE INTERPRETER:  Yes, of course.

4   Q        (By Mr. Yackey, continuing) After Berky purchased  
5       SenwaTec, were those same electronic files still kept on  
6       site?

7                   MR. STEMLER:  Objection, vague.  Objection,  
8       form.

9                   THE INTERPRETER:  All electronic documents  
10       or -- or data was completely 100 percent  
11       transferred over to Berky, and I was able initially  
12       to access that.

13   Q        (By Mr. Yackey, continuing) How -- how were you able to  
14       access those electronic documents following Berky's  
15       purchase of SenwaTec?

16                  THE INTERPRETER:  So I had my computer and,  
17       you know, I was in production.  And on the server,  
18       there was an extra folder that was SenwaTec -- a  
19       SenwaTec folder, and I could access that folder.  
20       Not everybody could access it, but I could access  
21       it, because I needed it in order to build the  
22       things that I was building.

23                  MR. STEMLER:  Objection, form to the previous  
24       question.

25                  THE INTERPRETER:  So we had a lot of

1           photographs of everything, because SenwaTec was a  
2           small company and we didn't have, like, drawings  
3           and diagrams for everything. So we had a lot of,  
4           like, pictures, photographs. And I can still  
5           access all that to this day.

6       Q     (By Mr. Yackey, continuing) Are those stored on a  
7           different server today than they were prior to -- prior  
8           to October 31st, 2015?

9           MR. STEMLER: Objection, form. Objection,  
10          foundation.

11          THE INTERPRETER: I'm not an IT person, so I  
12          can't answer this question. All I know is what  
13          button I have to push to get wherever I want to go.

14          But as far as the background is concerned, I  
15          can't answer that question.

16       Q     (By Mr. Yackey, continuing) After Berky purchased  
17           SenwaTec, do you know if the people responsible for  
18           maintaining the business records changed?

19          MR. STEMLER: Objection, form. Objection,  
20          foundation.

21          THE INTERPRETER: You mean changed where? At  
22          Berky or --

23       Q     (By Mr. Yackey, continuing) I'll ask my -- my question  
24           in a different way.

25          Was there a person that was in charge of

1 maintaining business records at SenwaTec prior to  
2 October 31st, 2015?

3 MR. STEMLER: Objection, vague.

4 THE INTERPRETER: Yes, my -- my boss at the  
5 time, Rainer Schröer.

6 Q (By Mr. Yackey, continuing) After Berky purchased  
7 SenwaTec in November 1st, 2015, was he still in charge  
8 of maintaining business records?

9 MR. STEMLER: Objection, form.

10 THE INTERPRETER: Yeah, Rainer Schröer  
11 transferred, also, to Berky a few weeks later than  
12 everybody else. I don't know why. But he  
13 transferred over to Berky, and he was there until  
14 2020 in sales.

15 Q (By Mr. Yackey, continuing) All right. So if we look at  
16 Paragraph 2 of your declaration here, do you see where  
17 it says: While at SenwaTec, I was personally involved  
18 in the design, development, and production of SenwaTec's  
19 Amphi-King product?

20 A Yes, I see it. Yes.

21 Q What did you design on the Amphi-King product?

22 MR. STEMLER: Objection, form. Objection,  
23 vague.

24 A With -- with design, I mean not make drawings. So  
25 design, we had a -- we had a --

1 THE INTERPRETER: By design, we don't mean the  
2 drawings. We had the -- like, the equipment, the  
3 tools there, and I improved on the existing design.  
4 And then afterwards when the product was finished,  
5 then the drawings were made.

6 So I was not involved in the design as far as  
7 making the drawings, but I improved on the actual  
8 product.

9 And nowadays the way it usually goes is that  
10 first you make a drawing or a design and then you  
11 build that according to that drawing. And here we  
12 did it somewhat differently. We built it first,  
13 and that's what I was involved in. I improved on  
14 the existing design. And then after we had the  
15 finished product, after it was improved, then we  
16 did the drawings. And that's what my use of the  
17 term "design" refers to.

18 Q (By Mr. Yackey, continuing) What does -- what does your  
19 use of the word "development" in that sentence refer to?

20 THE INTERPRETER: So with development, I mean  
21 that we improved on the hydraulics. For example,  
22 that we used different valves.

23 So I already explained earlier that the first  
24 Amphi-King was the wheels could go 15 kilometers  
25 per hour, and the other Amphi-King with the tracks

1           could also go 15 kilometers an hour. But after one  
2           day, it was -- it was gone. It was -- it was  
3           broken, it was --

4           THE WITNESS: It was broken.

5           THE INTERPRETER: Yeah, so we changed that  
6           around. We used certain plastic parts on the  
7           tracks. So we changed it around to make it more  
8           durable and -- and sustainable. That's what I mean  
9           with development.

10       Q    (By Mr. Yackey, continuing) What do you mean by the word  
11           "production" in this paragraph?

12           MR. STEMLER: Objection, vague.

13           THE INTERPRETER: We also built devices for  
14           the production process so -- to make it easier and  
15           so that we could build faster.

16           And we also -- it was also about uniformity of  
17           spare parts, for example. Because in the  
18           beginning, it was all prototypes. And then later  
19           if you need spare parts, it's -- it's better if  
20           they're all uniform parts.

21       Q    (By Mr. Yackey, continuing) Do you see in the last half  
22           of that sentence of Paragraph 2 where it says  
23           essentially that you are personally involved in  
24           marketing efforts related to this product?

25           THE INTERPRETER: Yeah. Well, what I mean

with marketing is predominantly that I did demonstrations, that I visited trade fairs, that I wrote emails. But the most important thing were demonstrations, demos.

Q (By Mr. Yackey, continuing) Were you responsible for creating brochures?

MR. STEMLER: Objection, vague. Objection, form.

THE INTERPRETER: I didn't personally prepare the brochures, but I supplied wording, texts, and photos with Rainer Schröer and -- who was the other?

THE WITNESS: Ronald Otte.

THE INTERPRETER: Ronald Otte. We supplied materials or supplied information, wordings, texts, photographs, but we did not personally do the brochures.

Q (By Mr. Yackey, continuing) All right. So if we look at Paragraph 3 of your declaration, it says: I am not being compensated for my testimony or involvement in this matter.

Did I read that correctly?

A I see it. Yes, yes, I can see it, yes.

Q Is that still true today?

MR. STEMLER: Objection, asked and answered.

1           Objection, harassment.

2           THE INTERPRETER: Yes. I mean, I'm being paid  
3           by Berky to come here and do my job, but not for  
4           this particular matter.

5   Q    (By Mr. Yackey, continuing) So let's look at Paragraph 5  
6           of your declaration. It says: One of SenwaTec's  
7           customers of the Amphi-King was a company called UD  
8           Umweltdienste GmbH; is that correct?

9   A    Yeah.

10   Q   And if I refer to it as shorthand UD Umwelt or UD  
11           Umweltdienste GmbH, will you understand what I'm talking  
12           about?

13   A    Yes. You can do UD. No problem.

14           THE INTERPRETER: UD is okay.

15   Q    (By Mr. Yackey, continuing) Even better.

16   A    Okay.

17   Q    The second sentence of Paragraph 5 says: UD  
18           Umweltdienste used the Amphi-King for pumping manure and  
19           agitating manure lagoons.

20   A    Yes.

21   Q    What's your -- what's your basis for the statement that  
22           Amphi-King was used for pumping manure?

23           MR. STEMLER: Objection, vague. Objection,  
24           form.

25           THE INTERPRETER: Because I saw it -- because

1 I saw the vehicle in our company. And quite  
2 frankly speaking, it was covered in shit from top  
3 to bottom. And you could also see that on the  
4 video, so --

5 I want to make it clear I was not along when  
6 they went out to pump the manure. I saw it when  
7 they came back into the -- into the plant when it  
8 was covered with manure. And I -- I only went out  
9 with the Amphi-King on the -- the -- the slurries  
10 where we said before. But I wasn't involved in the  
11 manure lagoons.

12 Q (By Mr. Yackey, continuing) So I think earlier you used  
13 the term -- and excuse my French -- shit or schiese.

14 A Schiese. It's a German word, schiese.

15 Q Right. Was that human feces?

16 MR. STEMLER: Objection, form.

17 THE INTERPRETER: So -- I was -- but -- but  
18 you could clearly see that it was fecal matter --  
19 that it was floating in fecal matter.

20 And I didn't inspect it close enough to  
21 distinguish or I didn't see any specific  
22 indications in the form of human fecal matter.  
23 But -- but, yeah, it was fecal matter.

24 VIDEOGRAPHER: Excuse me. Do you still want  
25 this exhibit up on the screen?

1 MR. YACKEY: Yes.

2 VIDEOGRAPHER: Okay.

3 THE INTERPRETER: And of course I know that,  
4 because I've kept, you know, talking with Mr. Funck  
5 repeatedly and he always told me what a shitty job  
6 he had.

7 Q (By Mr. Yackey, continuing) Did he ever tell you that it  
8 was animal manure that he was pumping?

9 THE INTERPRETER: No. He always -- he always  
10 just used the term "shit".

11 Q (By Mr. Yackey, continuing) Did he ever talk about using  
12 it at a sewage treatment plant?

13 MR. STEMLER: Objection, vague.

14 THE INTERPRETER: Yes. Yes, sewage treat --  
15 yeah, you could see that, you know, it was  
16 liquefied later and it was pumped into these  
17 containers and then it was distributed on the farm  
18 fields.

19 THE WITNESS: Yep.

20 Q (By Mr. Yackey, continuing) So did you -- did you say  
21 that the Amphi-King that UD used was used in sewage  
22 waste treatment plants? Did I understand that  
23 correctly?

24 MR. STEMLER: Objection, mischaracterizes  
25 earlier testimony, assumes facts not in evidence,

1 form.

2 THE INTERPRETER: Yes, to make that slurry, to  
3 liquefy that slurry like you saw in the videos.

4 Yeah. So you had the -- you know, the  
5 suction, the wheels, the propeller, and it was  
6 sucked in by that, it was liquefied, and then you  
7 had to pumped and then the liquid was pumped out  
8 again at the end.

9 Q (By Mr. Yackey, continuing) So my -- my question is more  
10 directed to did UD use the Amphi-King at human  
11 wastewater treatment plants?

12 MR. STEMLER: Objection, asked and answered.  
13 Objection, calling for speculation, foundation.

14 THE INTERPRETER: You said water treatment?

15 Q (By Mr. Yackey, continuing) Human wastewater treatment.

16 MR. STEMLER: Same objection.

17 THE INTERPRETER: I guess that I only saw the  
18 videos that you have seen, too. And as far as the  
19 exact composition of that sludge that you saw, I  
20 don't know. And I have to say I really wasn't all  
21 that interested in it.

22 Q (By Mr. Yackey, continuing) All right. So turning to  
23 Paragraph 6, this refers to the news publication prior  
24 to August 19, 2013; is that correct? It refers to  
25 Exhibit A.

1 A Right, yes.

2 Q So if we scroll down to Exhibit A of your declaration,  
3 is this the news article that you were referring to?  
4 And I'm on Page BAZ15\_0001314.

5 A Yeah. Yes. So there you can see maybe --

6 THE INTERPRETER: So the witness has asked me  
7 to read in English what it says here. Is that  
8 okay?

9 MR. YACKEY: Yes.

10 THE INTERPRETER: So it says --

11 MR. YACKEY: And I guess where -- where are  
12 you reading from to -- to make clear?

13 THE INTERPRETER: This would be the first  
14 paragraph. The heading is: Using the Frog as an  
15 Example. And then the first paragraph reads: His  
16 job doesn't stink. With his amphibious vehicle,  
17 Eckhard Funck drives through the slurry near  
18 Mecklar and removes the sludge that has collected  
19 there within the past years.

20 So you can see here, like, if one of these  
21 comes into our plant, then you know why I know that  
22 this has been in sludge.

23 Q (By Mr. Yackey, continuing) So the German word, and  
24 excuse my pronunciation, klärteich?

25 THE INTERPRETER: Yes. Yeah. It would be

1           like a -- a slurry. But let me look it up just to  
2           be -- oops.

3           MR. STEMLER: Ruth, do you mind explaining  
4           what -- what translation software you're using to  
5           look it up?

6           THE INTERPRETER: Yeah, sure. What am I using  
7           here? I'm just Googling it. It's a clarification  
8           pond. Yeah.

9           MR. YACKEY: Clarification pond?

10          MR. STEMLER: Are you using Google Translate,  
11          Ruth?

12          THE INTERPRETER: No. I don't use Google  
13          Translate. I usually just Google it. But,  
14          actually, there's a bunch of technical -- you could  
15          -- it could also be a sedimentation pond or a  
16          settling pond.

17          It's one of those words you have a number of  
18          translations for depending on what dictionary you  
19          visit. So in LEO, for example, which is a  
20          technical dictionary, it's called a sedimentation  
21          pond or a settling pond. And then if you just  
22          Google it, it has the other meaning. So I can also  
23          try DeepL if you want me to.

24          THE WITNESS: So one more point. You can see  
25          the name, the first name for Mr. Funck is Eckhard.

1           You can see it here in the -- in the newspaper. So  
2           you asked me first two hours before, the first name  
3           is Eckhard.

4           VIDEOGRAPHER: Excuse me. We've got about  
5           five minutes left on this media.

6           MR. YACKEY: Why don't we use take a quick  
7           break.

8           THE INTERPRETER: DeepL -- DeepL also uses  
9           clarification pond, if that matters.

10          MR. YACKEY: Thank you.

11          VIDEOGRAPHER: Do you want to go off?

12          MR. YACKEY: If that's okay with everyone, why  
13          don't we take a short five-minute break.

14          MR. STEMLER: Yep.

15          VIDEOGRAPHER: We are going off the record.  
16          Time now is 2:31.

17          (A recess was taken.)

18          VIDEOGRAPHER: We are back on the record.  
19          This is the start to Media No. 5. The time is  
20          2:38.

21   Q     (By Mr. Yackey, continuing) Mr. Lonnemann, welcome back.  
22           We've taken a few breaks today. Have you spoken with  
23           anyone during the breaks today?

24   A     Me?

25   Q     You, yes.

1 A Yes, with the lady from the front floor. I ask her  
2 where the restroom is. No. No. To be honest with you,  
3 no, I had a phone -- a phone call with Ms. Tara Laudy,  
4 our dealer here in the United States. And I will meet  
5 with her this weekend here in Atlanta for the trade  
6 show. And she called me in the -- in the rest and I  
7 phoned with her two or three minutes, yes.

8 Q Have you spoken with anyone else during the breaks  
9 today?

10 A No. I sent a WhatsApp to my wife that I love her and  
11 that's all.

12 Q All right.

13 (Deposition Exhibit 2 was marked for  
14 identification.)

15 Q (By Mr. Yackey, continuing) So I'm now going to  
16 introduce Plaintiff's Exhibit 2. Let me make it bigger  
17 here. And this document has a Bates number  
18 BAZ15\_0001799.

19 Have you seen this document before?

20 A I don't remember, no.

21 Q Okay. Do you see in Paragraph 1 here it says: I  
22 certify that the attached translation from German to  
23 English is an accurate representation of the documents  
24 received by this office. The document is designated as:  
25 Johanna Kaschik, The Frog as a Role Model, HNA,

1 August 25th, 2011.

2 THE INTERPRETER: What am I supposed to do?

3 Q (By Mr. Yackey, continuing) I was just asking do you see  
4 where it says in Paragraph 1 that this is a certified  
5 translation from German to English?

6 But does this look like the -- the article we were  
7 reviewing previously as part of your declaration?

8 MR. STEMLER: Objection, form. Objection,  
9 vague, calling for speculation.

10 A He doesn't mind his smelly job. With an amphibious  
11 vehicle, Eckhard -- yeah. Okay.

12 Q (By Mr. Yackey, continuing) Do you see where it -- this  
13 translation says a sewage pond?

14 A Sewage pond. See where it says sewage pond. Okay.  
15 Yep, sewage pond. Okay. That's a name for clear pond?  
16 I don't know.

17 Okay. So that was a discussion some minutes  
18 before.

19 Q Correct.

20 A Okay. Now I understand.

21 Q And do we -- you see now on Page BAZ15\_0001801 in the  
22 first paragraph after the image advertising here, do you  
23 see where it says: The idea -- sorry. This idea is not  
24 far that off. After all, it's not fetal matter that's  
25 in the sewage sludge explains the vehicle operator?

1 Do you see that?

2 A I see that, yes.

3 Q And then it goes on and says: It's just dead bacteria  
4 that previously ate the fecal matter.

5 Do you see that?

6 A I see that, yes. I can see that.

7 Q And then the last sentence says: Thus, what floats in  
8 the pond is anything but toilet waste.

9 A Okay. Okay.

10 Q So does this suggest to you that this was being used in  
11 a sewage treatment plant for treating human waste?

12 MR. STEMLER: Objection, form, calls for  
13 speculation, insufficient foundation.

14 THE INTERPRETER: The way it says here, there  
15 wasn't any human waste. Or do I see that not  
16 correct? I can't really follow you right now.

17 Q (By Mr. Yackey, continuing) Okay. Let's go back to your  
18 declaration.

19 All right. So now we've returned to Defendant's  
20 Exhibit 33. And this is your declaration, correct?

21 A Correct.

22 Q All right. So let's look at Exhibit B. Do you  
23 recognize -- and I'm now on Page BAZ15\_0001319. Do you  
24 see that?

25 A Yes, I see that. Yep.

1 Q And then if I go to last four digits 1320, do you see  
2 that?

3 A Yes, I see that. Yes.

4 Q And then the next page, 1321?

5 A Yep.

6 Q Then 1322, do you see that?

7 A Yes, I see that. So there you can see the piper duct in  
8 front of the boom. So when the fluid is --

9 THE INTERPRETER: So if it's more -- more  
10 fluid, then this is used to pump it off.

11 Q (By Mr. Yackey, continuing) And do you see last page of  
12 Exhibit B ending in BAZ15\_001323? Do you see that?

13 A I see that, yes.

14 MR. STEMLER: Objection, I think the Bates  
15 number is wrong.

16 MR. YACKEY: Sorry. BAZ15\_0001323. Did I  
17 read that correctly this time?

18 MR. STEMLER: Yes. Thank you.

19 MR. YACKEY: Thank you.

20 Q (By Mr. Yackey, continuing) So this exhibit are  
21 screenshots from a video that we watched earlier today;  
22 is that correct?

23 A Correct.

24 Q Did you take this video?

25 A No.

1 Q Were you present when this video was created?

2 A No.

3 Q Did you take these screenshots that make up Exhibit B?

4 A No.

5 Q Do you know who created these screenshots?

6 MR. STEMLER: Objection, form.

7 THE INTERPRETER: No.

8 THE WITNESS: No.

9 Q (By Mr. Yackey, continuing) So you reviewed this exhibit  
10 prior to signing your declaration, correct?

11 THE INTERPRETER: Yes, I signed it, because I  
12 know these pictures from the video. I don't know  
13 who made the screenshots, but I know these -- these  
14 photographs from the video.

15 Q (By Mr. Yackey, continuing) Did you know --

16 THE INTERPRETER: I would say I'm 95 percent  
17 sure that my boss, Felix Knoll, took them. But I  
18 could be wrong and it could have been somebody from  
19 IT.

20 Q (By Mr. Yackey, continuing) Do you know if Felix Knoll  
21 was present when the video from which these screenshots  
22 were taken? Was he -- was he present when this video  
23 was made?

24 THE INTERPRETER: No, he was definitely not  
25 present.

1           So just to make sure, so this video was done  
2           by UD and then it was on the Internet and then  
3           these screenshots were pulled out for this  
4           publication.

5           So what I know for sure is that this video was  
6           made by UD and that nobody from SenwaTec was  
7           present when it was made. But I don't know who  
8           finally pulled out the screenshots, whether that  
9           was Felix Knoll or IT, and gave them to me -- made  
10          them available to me.

11          So you see right there it says UD  
12          Umweltdienste GmbH, so it's a video for his  
13          business.

14   Q     (By Mr. Yackey, continuing) And other -- other than UD  
15           being a customer of SenwaTec, is there any other  
16           relationship between SenwaTec and UD?

17           MR. STEMLER: Objection, form, vague.

18           THE INTERPRETER: Not that I know of.

19   Q     (By Mr. Yackey, continuing) So SenwaTec doesn't own or  
20           didn't own UD?

21           MR. STEMLER: Objection, vague.

22           THE INTERPRETER: No. UD was our customer who  
23           purchased the amphibic boat.

24   Q     (By Mr. Yackey, continuing) So we're looking at  
25           BAZ15\_1319 of Exhibit B to your declaration. Do you

1 know where this video was taken?

2 THE INTERPRETER: No.

3 Q (By Mr. Yackey, continuing) Since you don't know where  
4 it's taken, I assume you've never been to this location;  
5 is that correct?

6 MR. STEMLER: Objection, form.

7 THE INTERPRETER: No, I don't know this  
8 location, no.

9 Q (By Mr. Yackey, continuing) So you don't know what  
10 exactly is in the thing that the vehicle is partially  
11 submerged in?

12 MR. STEMLER: Objection, mischaracterizes  
13 earlier testimony, form.

14 THE INTERPRETER: I know that it's sewage  
15 sludge. But as far as the exact competition (sic),  
16 I don't know it and I really don't want to know it.

17 Q (By Mr. Yackey, continuing) So you don't know what's in  
18 the -- in the background? Those -- those buildings in  
19 the background, do you know what those are?

20 THE INTERPRETER: No. As I said, I've never  
21 been to the location where this video was made  
22 from. You know, it appears to be a sewage plant,  
23 but I can't say, because I've never been there.

24 Q (By Mr. Yackey, continuing) So looking at BAZ15\_1320,  
25 have you been to -- to any of the locations shown on

1           this page?

2                   THE INTERPRETER: The first photograph is a  
3           definite no. I don't know that -- that place. And  
4           the second one, I'm not sure. It's possible that  
5           it may have been the gate of SenwaTec, but I'm not  
6           sure about that.

7                   THE WITNESS: No, it is not SenwaTec. No, it  
8           is not SenwaTec. No. It is another place.

9   Q    (By Mr. Yackey, continuing) But you don't know what that  
10   place is?

11   A    I don't know.

12   Q    So if we turn to Page BAZ15\_1321, do you recognize the  
13   places shown in these two screenshots?

14                   THE INTERPRETER: I have never been there  
15           personally, no.

16   Q    (By Mr. Yackey, continuing) Is the Amphi-King in both of  
17   these screenshots on -- on ground -- on land?

18                   THE INTERPRETER: So in the first one, it's  
19           definitely on land. And on the second one, I can't  
20           really say, because I can't see the wheels. But  
21           it's possible that they use the boomer to pump  
22           the -- the sewage.

23   Q    (By Mr. Yackey, continuing) All right. So if we turn to  
24   Page BAZ15\_0001322 of Exhibit B of your declaration, do  
25   you recognize the location of these two screenshots?

1 THE INTERPRETER: I've never been there in  
2 person, no.

3 Q (By Mr. Yackey, continuing) And then if we turn to the  
4 last page of your Exhibit B, BAZ15\_0001323, do you  
5 recognize the location of -- shown in this screenshot?

6 THE INTERPRETER: I can't say for sure. I  
7 mean, you know, all you can see is water. It could  
8 be at some pond near SenwaTec, but I can't say. I  
9 can't -- I can't be a hundred percent sure.

10 Q (By Mr. Yackey, continuing) Okay. So let's go back up  
11 to the body of your declaration. And do you see in  
12 Paragraph 16 here --

13 A Yes, I can see it.

14 Q -- it says: The video of Exhibit B was created on or  
15 before May 3rd, 2012, as reflected in the screenshot of  
16 Berky's business records?

17 Do you see that?

18 A Yes, I see that.

19 Q Did you take this screenshot?

20 MR. STEMLER: Objection, form.

21 THE INTERPRETER: Can I see it? If it's a  
22 screenshot, I probably didn't take it.

23 Q (By Mr. Yackey, continuing) Do you know -- do you have  
24 any idea what this screenshot is -- is of?

25 THE INTERPRETER: It shows the Amphi-King at

1 work.

2 Q (By Mr. Yackey, continuing) Sorry. Just to clarify, I'm  
3 referring to the screenshot right under Ex -- excuse me,  
4 right under Paragraph 16. It appears to be an image  
5 that says Name, Modified, Modified By, File Size,  
6 Sharing, Activity.

7 Do you see that?

8 A Yeah, not good. So it's very small, so I can't --

9 Q I'll zoom in for you.

10 A Now I can see, yeah. Now I can see.

11 Q Do you see the screenshot?

12 A As Modified By, so there you can see Felix Knoll, the  
13 name Felix Knoll. There you can see it.

14 Q But you did not take this image, correct?

15 THE INTERPRETER: No. I did not take any  
16 screenshots and inserted them here.

17 Q (By Mr. Yackey, continuing) So how do you know that  
18 May 3rd, 2012 -- strike that.

19 So how do you know that this screenshot details the  
20 same date of a copy of the video?

21 MR. STEMLER: Objection, form.

22 THE INTERPRETER: So the issue here is when  
23 the video was taken, and the video was taken in  
24 2012 and the screenshots were taken from the video.

25 So I have no idea. They could have been taken --

1           made six months ago, I don't know that. But I know  
2           that the video was made in 2012 or before 2012.

3       Q     (By Mr. Yackey, continuing) You said you were not  
4           present when the video was created, if I understood your  
5           prior testimony correct; is that right?

6           MR. STEMLER: Objection, mischaracterizes  
7           earlier testimony, form.

8           THE INTERPRETER: Yes, that's correct, I was  
9           not present when the video was made. But the video  
10          appeared in the Internet in 2012.

11       Q     (By Mr. Yackey, continuing) All right. So let's turn to  
12           Paragraph 18, which says: The video of Exhibit B was  
13           publicly accessible on the Internet in 2012.

14       A     Right, so there you can see it. It was by UD  
15           Umweltdienste to make advertising. So they made this  
16           video and put it in the -- in the Internet for -- make  
17           advertising for his business. So that's -- that's what  
18           I know.

19           So I've never been there. I didn't make this  
20           video. I was not there in person. But I saw this video  
21           on the Internet. That's what I can say.

22           I don't know who makes the screenshots, whatever,  
23           but I know the video was in the Internet in 2012.

24       Q     Where was it publicly accessible on the Internet in  
25           2012?

1 MR. STEMLER: Objection, form.

2 A I think if you -- in this declaration, there is an  
3 Internet address, there you can find it.

4 Q (By Mr. Yackey, continuing) All right. Let's -- let's  
5 look for it.

6 A So I'm not -- I don't know if it was YouTube or  
7 whatever. So it's a long time ago and I'm -- I'm not --  
8 I can't exactly remember. So they showed me this video,  
9 and I don't know --

10 THE INTERPRETER: I'm not sure if it was on  
11 YouTube or on another platform. But there's  
12 Internet address in there, and maybe it's possible  
13 to find it through that.

14 Q (By Mr. Yackey, continuing) Okay. So let's -- let's  
15 look for an Internet address of that video in your  
16 declaration.

17 So I've scrolled back to the top of your  
18 declaration. Is there an Internet address in  
19 Paragraph 1?

20 A No. It's Paragraph 6.

21 Q So this Internet address --

22 A Maybe -- maybe I don't know where it works at the  
23 moment, but -- so there is an Internet address. And  
24 maybe that's -- so they showed me the video and there  
25 was a video address.

1 I've never checked it if there is a video, but  
2 maybe it works. I don't know.

3 Q So you don't actually know if it was publicly accessible  
4 on the Internet in 2012?

5 A No. I know it was in the Internet, but I cannot give  
6 you the exact Internet address where -- where it was.

7 Q Okay. So if we look at Paragraph 19, it says: The  
8 video of Exhibit B was distributed by UD, using  
9 shorthand again, to the public prior to August 19, 2023,  
10 including in 2012.

11 Do you see that?

12 A I see that, yes.

13 Q What is your basis for first making that statement?

14 THE INTERPRETER: Because the issue here is to  
15 prove that our vehicle was already being used prior  
16 to August 19, 2013. And one proof is this video by  
17 UD who already used it then and used it for  
18 advertising purposes in 2012.

19 Q (By Mr. Yackey, continuing) What -- what evidence do you  
20 have to support that this video was distributed in 2012?

21 MR. STEMLER: Objection, asked and answered,  
22 calls for speculation, form.

23 THE INTERPRETER: I mean, you're asking me  
24 about evidence. It was in the Internet. I don't  
25 know what other evidence you -- I don't know what

1 other evidence you want me to present.

2 The fact is that the video was there, it was  
3 in the Internet. Everybody could see it. And,  
4 okay, I could swear to it. I don't know what else  
5 you want me to -- to present as proof. I really  
6 don't know --

7 THE WITNESS: Sorry.

8 THE INTERPRETER: Is it okay now to -- okay.  
9 So I don't know what else you want me to prove. I  
10 mean, I didn't stand next to the computer at  
11 SenwaTec in 2012 and saw how they recorded it there  
12 or how they saved it there.

13 But the fact is that it was there and that  
14 everybody can see it. And so I don't know what  
15 else you want me to say.

16 Q (By Mr. Yackey, continuing) So let's look at the second  
17 sentence of Paragraph 19. You say: For example, the  
18 video of Exhibit B was distributed by UD Umweltdienste  
19 to SenwaTec at least as early as May 3rd, 2012.

20 What evidence do you have to support that  
21 statement?

22 MR. STEMLER: Objection, asked and answered,  
23 form.

24 THE INTERPRETER: Good question. How do you  
25 want me to prove that? Okay. Okay. I don't know

1           how you want me to prove it. I mean, all I know is  
2           that it was in the Internet. We build it in 2011  
3           and we sold it in 2012 and then it was in the  
4           Internet in 2012.

5                   I can't tell you exactly if it was May 3rd or  
6           May 6th or May 19th, but I know it was in the  
7           Internet in 2012.

8    Q    (By Mr. Yackey, continuing) So sitting here today, other  
9           than the statements in Paragraph 18 and 19 -- strike  
10          that.

11           So sitting here today, other than your statement in  
12          Paragraph 18, you have no other evidence to show that  
13          the video of Exhibit B was publicly accessible on the  
14          Internet in 2012; is that correct?

15                   MR. STEMLER: Objection, mischaracterizes  
16          earlier testimony, asked and answered, form.

17                   THE INTERPRETER: I mean, I can't make up  
18          something. You know, I know that I saw it. No, I  
19          do not have a computer record or something to -- to  
20          prove it. But I know that I saw it in -- in 2012  
21          and that it was in the Internet.

22                   Well, what I can say a hundred percent what I  
23          saw is the videos that we made at our plant, I was  
24          present there. But then this was done afterwards,  
25          after it was sold.

1                   Yeah, I don't have any computer records to --

2                   to prove that, but --

3       Q       (By Mr. Yackey, continuing) All right. So let's look to  
4       Exhibit C.

5                   MR. STEMLER: Can I get a run time?

6                   VIDEOGRAPHER: Five hours, 12 minutes.

7                   MR. STEMLER: Thanks, Dave.

8       Q       (By Mr. Yackey, continuing) So Exhibit C to your  
9       declaration, we're now looking at BAZ15\_0001325, so the  
10      first page; is that correct?

11      A       That's correct.

12      Q       And then the second page is, last four digits, 1326?

13      A       Correct.

14      Q       And the last page, last four digits is 1327; is that  
15      correct?

16      A       Correct.

17                  THE INTERPRETER: But that's much easier for  
18                  me to prove, because I'm actually in those  
19                  pictures.

20                  THE WITNESS: Right.

21      Q       (By Mr. Yackey, continuing) So did you ever drive the  
22      Amphi-King vehicle in a manure lagoon?

23      A       Yes, a thousand times.

24                  MR. STEMLER: I'm sorry, that was a vague  
25      question.

1 Q (By Mr. Yackey, continuing) You've personally driven the  
2 Amphi-King vehicle in a manure lagoon?

3 THE INTERPRETER: Yeah, and in a manure  
4 lagoon. Yeah, I mean --

5 THE WITNESS: No. Sorry. I drive it the  
6 river. No, never in a -- in a -- the word was  
7 manure?

8 Q (By Mr. Yackey, continuing) Manure lagoon.

9 A No, I never drove it, no.

10 THE INTERPRETER: No, I never -- I have to  
11 correct myself. I never drove into a manure lagoon  
12 like that.

13 Q (By Mr. Yackey, continuing) Do you know if anyone ever  
14 drove the Amphi-King vehicle in a manure lagoon?

15 MR. STEMLER: Objection, vague, form.

16 THE INTERPRETER: Well, Mr. Funck, our  
17 customer, did so.

18 Q (By Mr. Yackey, continuing) You used the word  
19 "klarschlumm" -- and, again, please forgive my  
20 pronunciation -- is that correct?

21 A Klarschlumm, that's correct.

22 MR. YACKEY: And I think earlier the  
23 interpreter said that that's a clarification pond?

24 THE INTERPRETER: Well, there's a number --  
25 there's a number of translations for it, that's the

1           problem. It's called a sedimentation pond, it's  
2           called a sewage pond, it's called -- yeah.

3           THE WITNESS: Okay.

4           THE INTERPRETER: So take your pick.

5           THE WITNESS: Okay.

6       Q     (By Mr. Yackey, continuing) Do any of those translations  
7           refer to animal excrement?

8           THE INTERPRETER: Not particularly. I mean,  
9           they're just, you know, sewage. But there's  
10          nothing particular that I know of that refers to  
11          animal waste.

12          MR. YACKEY: Or -- or referring to it as  
13          manure?

14          THE INTERPRETER: No. I mean, I can look it  
15          up again. Let's see.

16          MR. STEMLER: Objection, misstates earlier  
17          testimony.

18          THE INTERPRETER: Not -- not that I know of,  
19          no.

20          MR. YACKEY: Okay. Thank you.

21       Q     (By Mr. Yackey, continuing) So did -- did SenwaTec or  
22           Berky -- strike that.

23           The top right-hand corner of Exhibit C to your  
24           declaration, do you see where it says: 40 years of  
25           experience in the development of?

1 A Yes, I see it.

2 Q And then it says: Ditch cleaner and slope mowers,  
3 mowing and clearing boats --

4 A Weed harvesters.

5 Q -- weed harvesters, amphibious vehicles, cutter suction  
6 and excavating dredges.

7 Do you see that?

8 A Yes.

9 Q Is there any reference there to developing vehicles for  
10 use in animal excrement --

11 MR. STEMLER: Objection --

12 Q (By Mr. Yackey, continuing) -- or manure?

13 MR. STEMLER: Sorry, Scott. Do you want to  
14 restate your -- I -- I spoke over you.

15 Q (By Mr. Yackey, continuing) Those five bullet points I  
16 just read, is there any reference there to using  
17 SenwaTec products in animal excrement or manure?

18 MR. STEMLER: Objection, form.

19 THE INTERPRETER: Yeah. Do you mean that  
20 there's, like, a specific reference about, like,  
21 animal waste sludge? Is that what you're asking?

22 Q (By Mr. Yackey, continuing) Correct.

23 THE INTERPRETER: So we didn't specifically  
24 advertise for sewage sludge or animal sewage  
25 sludge, because this was, like, one customer who

1           did this. But we had other customers, too, who  
2           wanted to use it for sludge in rivers, for example.  
3           So we didn't specifically advertise that.

4       Q     (By Mr. Yackey, continuing) Okay. I think earlier --

5           THE INTERPRETER: Our -- our -- our slogan was  
6           sludge removal. That was our -- our advertising  
7           slogan.

8       Q     (By Mr. Yackey, continuing) So why -- why did you not  
9           advertise the use of the Amphi-King in animal excrement?

10          MR. STEMLER: Objection, form.

11          THE INTERPRETER: So this vehicle has a price  
12          and that price is not cheap. So our main target --  
13          somebody who was trying to get rid of animal waste  
14          is probably not going to pay that price. So our  
15          target customers were public entities who wanted to  
16          remove -- who wanted to use the Amphi-King in  
17          bodies of water to remove sludge from bodies of  
18          water; you know, to have public bids to use it for  
19          that purpose. And that was the reason why we  
20          didn't specifically advertise it for use in animal  
21          lagoons, manure lagoons.

22          So it's -- I know it's all about the pump.  
23          And as you can see up there, it also says there  
24          mowing and cleaning. So our main goal -- our main  
25          customer -- target customer wasn't people with

1           manure lagoons. It was a whole different area. It  
2           was to clean bodies of water from sludge.

3       Q     (By Mr. Yackey, continuing) Do you know if anyone at  
4       SenwaTec ever considered advertising the Amphi-King for  
5       use in manure lagoons or animal excrement?

6           MR. STEMLER: Objection, calls for  
7           speculation, vague, form.

8           THE INTERPRETER: You mean was SenwaTec as the  
9           service provider?

10      Q     (By Mr. Yackey, continuing) No. With SenwaTec as the  
11      seller of the Amphi-King.

12           THE INTERPRETER: So, I mean, of course we  
13           were happy about every boat that we sold. But our  
14           main goal were not manure lagoons. And I don't  
15           think that our boss specifically targeted manure  
16           lagoons to sell the boat. Our target group was in  
17           a much different area.

18           THE WITNESS: Yeah.

19      Q     (By Mr. Yackey, continuing) So earlier you -- if I  
20      understood your testimony correct, you said you live  
21      near -- near and have seen covered manure lagoons; is  
22      that correct?

23           MR. STEMLER: Objection, misstates earlier  
24           testimony, form.

25           THE INTERPRETER: This is -- they -- they're

not covered manure lagoons. They're more like containers where the animal waste is being stored and they're -- they're tall and they're covered on top. It's nothing that you could enter with a boat.

Q (By Mr. Yackey, continuing) So what's the -- what's the German word for manure?

THE INTERPRETER: I'm sorry?

MR. YACKEY: What's the German word for manure or animal excrement?

THE INTERPRETER: Mist.

THE WITNESS: Mist?

THE INTERPRETER: Mist.

THE WITNESS: Mist.

MR. YACKEY: Can you spell that for me?

THE WITNESS: Mist.

THE INTERPRETER: M-i-s-t.

THE WITNESS: This says mist. So I have to explain. Is it mist? Mist is strong, you know --

THE INTERPRETER: Let me -- let me look it up just to make sure, because it's an important word.

THE WITNESS: Mist is not a fluid, you know, so we -- we have to discuss what the right word is.

THE INTERPRETER: Okay. Well, manure. No. Manure. Yeah, jauchen. I mean, jauchen would --

1 your -- your term is not in the dictionary.

2 A jauchen would be the liquid manure and then  
3 mist would be the manure that's mixed with straw.

4 THE WITNESS: Yeah.

5 THE COURT REPORTER: Can you spell that?

6 THE INTERPRETER: There's -- there's two types  
7 of manure. So the pure liquid manure is called  
8 jauche, j-a-u-c-h-e. And then the -- the manure  
9 that's, you know, mixed with straw that -- that's  
10 used, that is called mist, m-i-s-t.

11 MR. STEMLER: Ruth, do you mind spelling the  
12 German word for what you said was liquid manure  
13 again?

14 THE INTERPRETER: Jauche, j-a-u-c-h-e.

15 MR. STEMLER: Do you mind providing the  
16 translation-type software that you're using for  
17 that?

18 THE INTERPRETER: Oh, God. Let me see. I  
19 don't even -- I can -- I can go to -- let's go to  
20 DeepL. Okay. The word doesn't even have it.  
21 DeepL doesn't even have it.

22 THE WITNESS: Jauche. So maybe you can see  
23 it -- see it here.

24 THE INTERPRETER: Jauche is also slurry.  
25 Jauche is called slurry -- jauche is called slurry

1 in English. That's jauche. And then mist. Let's  
2 see. Dung. Dung.

3 THE WITNESS: Dung?

4 THE INTERPRETER: Dung, yeah. Dung. They're  
5 the terms "slurry" and "dung".

6 THE WITNESS: Okay.

7 Q (By Mr. Yackey, continuing) So have you -- have you ever  
8 seen the Amphi-King in -- in dung or mist?

9 A No, not in life, no.

10 Q Have you seen a video of it?

11 A Yes, it -- it was in the video when it is dung. So it  
12 is -- when it is dung, then it was in the video we saw  
13 some minutes before -- or some hours before.

14 Q So --

15 THE INTERPRETER: So you mean -- what you're  
16 talking about -- just to make sure that I'm on the  
17 right page here, you're talking about the -- the  
18 water or the liquid where the -- that the vehicle  
19 drove into that was shown in the video? Is that  
20 what you're talking about?

21 Q (By Mr. Yackey, continuing) No. I'm asking -- I'm  
22 trying to focus on animal excrement, you know, manure.

23 THE INTERPRETER: Jauche and dung. Okay.

24 THE WITNESS: Okay.

25 Q (By Mr. Yackey, continuing) Have you ever seen it pump

1           that?

2       A     No.

3       Q     And you've never -- and SenwaTec never advertised it to  
4           pump that, what we call manure in English?

5                   MR. STEMLER:  Objection, vague.

6                   THE INTERPRETER:  Okay.  So we didn't  
7           advertise it for this specific reason.  But the  
8           pump that's on there is specifically made for  
9           slurry -- to stir slurry, and the farmers use it  
10          for that purpose.

11                  THE WITNESS:  Right.

12       Q     (By Mr. Yackey, continuing) What's your -- what's your  
13           basis for stating that farmers use it for that purpose?

14                  THE INTERPRETER:  Because it's a slurry pump  
15           that you can purchase in the Internet.

16       Q     (By Mr. Yackey, continuing) Any -- anything else to  
17           support that statement?

18                  THE INTERPRETER:  I mean, I can't give you a  
19           proof of purchase now, but we purchased these pumps  
20           and they're slurry pumps.

21       Q     (By Mr. Yackey, continuing) I believe Mr. Stemler asked  
22           you earlier about remote control --

23       A     Yes.

24       Q     -- of the Amphi-King.

25       A     Yeah.

1 Q And if I remember you stating, that remote control was  
2 not allowed in Germany; is that correct?

3 A That is correct, yeah. I'm not sure if it is allowed at  
4 the moment, but 10 years or 12 -- 20 years before it was  
5 not allowed.

6 Q So --

7 A So we produced two with remote control for China. We  
8 delivered it to China. They were very, very good. But  
9 not in Germany. Not in -- in all of Europe. We only  
10 produced two, and these two Amphi-Kings are working in  
11 China.

12 Q And -- and I think you said that those were sold in 2016  
13 or 2017 to China; is that correct?

14 A Yes, it was from --

15 MR. STEMLER: Objection, mischaracterizes  
16 earlier testimony.

17 A It was sold from Berky, right. We produce it at Berky,  
18 not at SenwaTec.

19 Q (By Mr. Yackey, continuing) So since Berky -- so this  
20 was after 2015, right, since it was under Berky? And  
21 Berky purchased SenwaTec in 2015.

22 A Right, right.

23 Q So you -- you made no remote control Amphi-Kings prior  
24 to 2016?

25 MR. STEMLER: Objection, mischaracterizes

1 earlier testimony.

2 A No, no, no. So it was --

3 THE INTERPRETER: So our boss at the time,  
4 Rainer Schröer, he transferred from SenwaTec to  
5 Berky. And he always had that idea about doing  
6 them with remote control. And he was the one who  
7 sold two with remote control to China in 2016.

8 THE WITNESS: Yep. So it was a dream from my  
9 boss to -- to produce the Amphi-King with remote  
10 control. It was a version (sic).

11 THE INTERPRETER: I'm sorry? That was his  
12 vision to do that with the remote.

13 A So he sold two Amphi-Kings to China and -- but we never  
14 produced more Amphi-Kings with remote control after that  
15 -- these twos -- two devices.

16 Q (By Mr. Yackey, continuing) Do you know why remote  
17 control is not allowed in Germany?

18 A It is not allowed for the Amphi-King. It is allowed in  
19 Germany, but not for the Amphi-King. Because the  
20 Amphi-King, you can put a person inside and another  
21 person steering the Amphi-King from outside. And so  
22 it's too dangerous, so it's not allowed. Not allowed  
23 for the Amphi-King.

24 If you make some modifications for the Amphi-King  
25 so that nobody can sit in there, then it is allowed for

1 a remote control. But not -- for these Amphi-Kings it  
2 is not allowed. And so I understand why.

3 So we produce it at Berky, I sit in the Amphi-King,  
4 I was on the water and another guy was steering the  
5 Amphi-King from outside. And it's not a good feeling  
6 when you're on the water and another one is steering the  
7 Amphi-King from outside. So I can understand that it is  
8 not allowed.

9 Q You don't want to get tipped over?

10 A Yes. It's a very bad feeling inside. Because it's very  
11 funny for the guys at the shore; but for you in the  
12 boat, it's not so funny.

13 Q 'Cause it's dangerous to be out there when someone else  
14 is controlling it, right?

15 A It's -- maybe it's not dangerous, but you have no  
16 control over the -- over the -- over the boat, you know,  
17 so they can -- can play with you.

18 So we were the boat in the water and that makes no  
19 -- that's not a good feeling. But it works very good  
20 so it's -- yeah.

21 Q All right. So let's -- let's move to a different  
22 exhibit here.

23 All right. Can you see my screen?

24 A Yes, I can see your screen. Yes.

25 Q And do you see that this is Defendant's Exhibit 35,

1 DX 35?

2 A Yep, I can see it.

3 Q That was introduced by the defendant earlier today?

4 A Yep.

5 Q And it has Bates number BAZ15\_0024380?

6 A Yeah, I can see it.

7 Q Did you obtain this document?

8 MR. STEMLER: Objection, vague, form.

9 A I saw this document in our factory at SenwaTec, but I  
10 was not the person who made this one. So I was not  
11 responsible to -- to print it or to make it. So I --

12 Q (By Mr. Yackey, continuing) Did -- did you provide this  
13 document to Merchant & Gould?

14 MR. STEMLER: Objection, form.

15 A We gave these documents to -- to our customers when we  
16 made demonstrations, yes.

17 Q (By Mr. Yackey, continuing) No.

18 My -- my question is we're -- we're here sitting  
19 here today looking at this -- this document, and this  
20 document has been produced in this litigation by  
21 Merchant & Gould with this -- with this number, right?

22 MR. STEMLER: Objection, foundation, calls for  
23 speculation.

24 A No.

25 Q (By Mr. Yackey, continuing) Well, what I'm trying to get

1 at is how did -- did Berky provide this document to  
2 Merchant & Gould?

3 MR. STEMLER: Objection, calls for  
4 speculation, form.

5 THE INTERPRETER: Not as far as I know.

6 Q (By Mr. Yackey, continuing) So you did not -- you did  
7 not give this document to Merchant & Gould; is that  
8 correct?

9 MR. STEMLER: Objection, form.

10 THE INTERPRETER: I did not give this document  
11 to anybody, no.

12 Q (By Mr. Yackey, continuing) Do you know when this  
13 document was given to Merchant & Gould?

14 MR. STEMLER: Objection, calling for  
15 speculation.

16 A No.

17 Q (By Mr. Yackey, continuing) Do you recall looking at  
18 Page BAZ15\_0024408 earlier in your deposition?

19 A I can see the --

20 Q It discusses the hydraulic system does not work properly  
21 or not at all.

22 A Yeah.

23 Q And with respect to the -- the gate valves are closed.

24 And I believe did you say earlier that it's a rule  
25 in Germany that you have to sit in this device?

1 A Yes, it's -- it's for your own safety and -- if -- if  
2 you stand up or if you fall out the boat. So the -- the  
3 attachment and all the function should stop so they --  
4 otherwise, maybe you -- if you fall in the water, they  
5 will kill you.

6 So if you have the cutter in front of the  
7 Amphi-King, you fall in the water and the cutter is  
8 working, so it will kill you.

9 So that's a rule in Germany, if you fall out the  
10 Amphi-King, everything has to stop.

11 Q So did the Amphi-King need an on-board operator in order  
12 to work?

13 MR. STEMLER: Objection, form.

14 A Yeah. Yes. You have to sit -- normally you have to sit  
15 and then you can work with the joysticks, yeah.

16 Q (By Mr. Yackey, continuing) I've now shared on the  
17 screen Defendant's -- Defendant's Exhibit 36 that was  
18 introduced earlier today.

19 Do you see that?

20 A I see that, yes.

21 Q With a Bates number BAZ15\_0024319?

22 A Yes.

23 Q Do you see that?

24 A Yes.

25 Q And this is labeled Annex 1 Spare Parts List; is that

1 correct?

2 A That is correct.

3 Q Did you provide this document to Merchant & Gould?

4 MR. STEMLER: Objection, form. Objection,  
5 calling for speculation.

6 A No.

7 Q (By Mr. Yackey, continuing) Do you know who provided  
8 this document to Merchant & Gould?

9 MR. STEMLER: Same objection.

10 A No.

11 Q (By Mr. Yackey, continuing) No?

12 A No.

13 Q So you don't know when this document was given to  
14 Merchant & Gould then either; is that correct?

15 A That is correct.

16 MR. STEMLER: Objection, mischaracterizes  
17 earlier testimony, calls for speculation.

18 Q (By Mr. Yackey, continuing) So let's -- let's go through  
19 this document a little bit.

20 Do you recall seeing a date anywhere in this  
21 exhibit? And if you want, I can go page by page and ask  
22 the questions.

23 THE INTERPRETER: You would have to go all the  
24 way back to the first page.

25 Q (By Mr. Yackey, continuing) Is that where the date

1 normally would be?

2 THE INTERPRETER: If there were a date, it  
3 would be on the first page, but I'm not sure that  
4 there's a date.

5 MR. STEMLER: Objection, form.

6 Q (By Mr. Yackey, continuing) Do you see a date on the  
7 first page?

8 A No, no.

9 Q So sitting here today, do you know the date of this  
10 document?

11 MR. STEMLER: Objection, form.

12 THE INTERPRETER: So I can't tell you to the  
13 day when it was done. But I know that it was done  
14 in 2012, because it was prepared for our first  
15 Amphi-King with the track -- tracks.

16 THE WITNESS: Track system, yes.

17 THE INTERPRETER: Track system.

18 Q (By Mr. Yackey, continuing) So I've rotated the page of  
19 this exhibit.

20 A Yeah, that's fine. It's better to see. So I can see  
21 very clear. Yeah, that's fine.

22 Q All right. So now we're now looking at what's Bates  
23 labeled BAZ15\_0024329; is that correct?

24 A That's correct.

25 Q And do you see No. 7 pointing to an object?

1 A I can see No. 3, yes.

2 Q What's -- what's No. 7 pointed at?

3 MR. STEMLER: Objection, form.

4 THE WITNESS: Sprocket? What is it in  
5 English? Is it sprocket?

6 THE INTERPRETER: The gear wheel.

7 THE WITNESS: I don't know. I think here in  
8 America they say sprocket, but -- or it's a gear.  
9 I don't know what --

10 THE INTERPRETER: In any case, it's a gear  
11 wheel.

12 THE WITNESS: Okay.

13 Q (By Mr. Yackey, continuing) Did this -- did this gear  
14 wheel --

15 A Yes.

16 Q -- ever touch the ground?

17 A That one should never touch the ground, right.

18 THE INTERPRETER: The gear wheel drives the  
19 chain that you see on the -- in the right.

20 Q (By Mr. Yackey, continuing) This part that doesn't have  
21 a -- a number pointed to it?

22 A No. I think the number you can find in another picture.

23 Q So it's -- it's that -- what you referred to as a chain  
24 that touches the ground and not the sprocket?

25 A Yes, correct. The chain -- yes, right. The chain

1 is just touching the ground and the gear or the sprocket  
2 is -- is driven -- is -- is connected with hydraulic  
3 motor. You can see No. 3. And, yeah, that one.

4 So you could put all of these together and then you  
5 put it behind the pontoon with No. 4 behind there. You  
6 can see No. 4 there. So the -- the complete one is  
7 behind that side. And then, yeah, you can drive with  
8 the chain.

9 THE INTERPRETER: Push it all together from  
10 left to right and it goes back to the pontoon and  
11 then the chain is pulled and then it works.

12 THE WITNESS: Yeah.

13 Q (By Mr. Yackey, continuing) But without the chain or the  
14 track, the vehicle wouldn't be able to move?

15 A You can move on -- on the --

16 MR. STEMLER: Objection, mischaracterizes  
17 earlier testimony, vague, form.

18 THE INTERPRETER: Without the chain, you  
19 couldn't drive on land, but you could drive on  
20 water.

21 Q (By Mr. Yackey, continuing) Would -- would 7, the  
22 sprocket, allow you to drive on water?

23 MR. STEMLER: Ob -- objection, vague.

24 A No.

25 THE INTERPRETER: It -- it -- it would be on

1           there, but it wouldn't make any sense. It would  
2           splash around a bit in the water, but didn't do  
3           anything. Don't do anything.

4           MR. STEMLER: Dave, do you mind providing a  
5           total run time again?

6           THE WITNESS: So there you can see the parts  
7           from the tracks.

8           VIDEOGRAPHER: 5:55. And we have about 10  
9           minutes left on this media.

10          MR. STEMLER: Thank you.

11   A       So you asked before for the tracks. There you can see  
12           the numbers from the tracks.

13   Q       (By Mr. Yackey, continuing) And you're referring to  
14           Bates labeled Page BAZ15\_0024331; is that correct?

15   A       Correct.

16   Q       Okay. All right. So now we're looking at Defendant's  
17           Exhibit 36 still, Bates labeled Page BAZ15\_0024324.

18           Do you see that?

19   A       Yes, I can see that.

20   Q       And there's -- the top of the page it says Driver's  
21           Cabin.

22   A       Right.

23   Q       And there's two -- there are two pictures or two line  
24           drawings here on this page?

25   A       Yeah.

Q Are these, like, partial cut-away views?

THE INTERPRETER: Section where you can see everything -- where everything is. And if any spare parts have to be ordered, then the driver can see, based on the number, what spare parts he has to order.

Q (By Mr. Yackey, continuing) In these -- in these two views, there's -- there's portions of the vehicle that are not shown because there's a -- a cutting line or what have you through the -- through the picture; is that correct?

MR. STEMLER: Objection, vague. Objection, confusing, form.

THE INTERPRETER: Yes. For example, here the left side of the boat is not shown. It's a cut through the boat so you can see what the boat looks like on the inside.

THE WITNESS: Yep.

Q (By Mr. Yackey, continuing) So the -- you see the front of the boat right here; is that correct?

A Right. That's correct.

Q And that's, like, slanted -- the front is slanted here?

A Slanted? Yes. Yes, it is, right.

Q And I think you've said earlier that this is called the outrigger, correct?

1 A Right. Outrigger or boom, yes, right.

2 Q And that you could -- you could move this and it  
3 would -- it would hit the front, right?

4 A Right.

5 Q You said there was, like, a -- a tow hook and it could  
6 hit in that little -- it could hit in that spot,  
7 correct, in the front?

8 MR. STEMLER: Objection, mischaracterizes  
9 earlier testimony.

10 A Can you scroll a little bit deeper the other way? The  
11 other way.

12 Okay. So there in the front picture -- in the  
13 bottom picture -- in the top picture, the first picture,  
14 you can see the outrigger.

15 So -- and if you go with the outrigger down and  
16 then you put it to the right or to the left side, you  
17 can damage the -- the track system. And if you put it  
18 down and --

19 THE INTERPRETER: If you put it down and drive  
20 it towards that particular point then, yeah, you  
21 could -- you could hit that point and you could  
22 damage that point.

23 THE WITNESS: Yeah.

24 THE INTERPRETER: With the pump, it's not that  
25 bad. But, for example, if you have a big -- like

1           a -- a shovel, then it's more critical. And that's  
2           why the newer models have a double layer of the --  
3           the steel.

4   Q    (By Mr. Yackey, continuing) On the front?

5   A    On the front, especially here -- for this device here in  
6        America. Because our sales partner, Tara Laudy, was  
7        very angry. So they damaged it, and so we had to -- to  
8        make a double plate there and from then. And now all  
9        Amphi-Kings have a double plate in the front.

10           It makes absolute sense. She was absolutely right.  
11        So -- but this isn't -- these are experience you make  
12        when these things are in -- in use. So you see we  
13        modify it every time and -- yeah. We're nearly perfect  
14        at the moment.

15   Q    So when the outrigger is -- is sort of -- can -- can the  
16        outrigger be positioned in such a way to place anything  
17        below the bottom of the vehicle? Can it --

18           MR. STEMLER: Objection, vague. Objection,  
19        form. Objection, confusing.

20   A    Yes, yes, of course. So you can work in -- working deep  
21        from -- we're around about two meters. When the -- the  
22        pump is adapted in front of, you can work in the water  
23        deep for two meters. So you can pump sediment in -- in  
24        two meters deep, yes.

25           And the Amphi-King is -- the Amphi-King is around

1           about 0.7 meters deep in the water and the working deep  
2           in the boom is around about two meters.

3       Q     (By Mr. Yackey, continuing) But can it place the pump --

4       A     Yes.

5       Q     -- under the floor?

6       A     Yes, you can place the pump left or right side from  
7           the -- from the Amphi-King and put it down in the water.  
8           Yeah, you can do that.

9       Q     I'm not just saying, like, below the bottom. I'm  
10           saying, like, under -- can it reach all the way under  
11           and place something -- scratch that.

12           Item No. 2. What is Item No. 2 pointing to?

13      A     Can you make it a little bit bigger?

14      Q     Yeah.

15      A     This -- it's a pedal for -- for the track system on the  
16           left and the right side.

17      Q     So would an operator's feet be on these pedals during  
18           use?

19      A     Yeah, that's for speed. Yes, forward, backward, right  
20           side, left side for the track system -- all the wheel  
21           system.

22      Q     Could an implement on the end of the outrigger be placed  
23           right under the feet of the operator?

24           MR. STEMLER: Objection, confusing.

25           Objection, vague. Objection, form.

1 A Yes, you can do that. Yes, you can do that outside from  
2 the boat, not inside. So outside from the boat --

3 THE INTERPRETER: Outside I can go on the  
4 bottom, was it, and I can pump the sediment under  
5 the boat. Inside I never tried it, because it  
6 wouldn't make any sense.

7 VIDEOGRAPHER: We need to change the media  
8 when you get a chance.

9 MR. YACKEY: Yep, I figured that was the case.  
10 Why don't we take a quick break.

11 VIDEOGRAPHER: We are --

12 MR. STEMLER: Do you mind giving us a time  
13 check, too?

14 VIDEOGRAPHER: Yep. We're going off the  
15 record. Time now is 4:10.

16 (A recess was taken.)

17 VIDEOGRAPHER: We are back on the record.  
18 This is the start to Media No. 6. The time is  
19 4:17.

20 Q (By Mr. Yackey, continuing) All right. I'm going to  
21 share my screen again.

22 All right. Can you see -- see my screen?

23 A Yes.

24 Q And this is previously designated Defendant's Exhibit  
25 39, and specifically we're looking at Bates labeled

1 document BAZ15\_0024429.

2 Do you see that?

3 A Yes, I can see that.

4 Q Do you recall answering some questions earlier about  
5 this picture?

6 A Yes, of course. Yes.

7 Q Did you design this pump?

8 A Design this -- no, design this pump directly? No. We  
9 bought this pump.

10 MR. STEMLER: Objection, form.

11 Q (By Mr. Yackey, continuing) And did I -- I believe  
12 earlier I think you said that this pump could pump  
13 25 percent.

14 Did I hear that correct?

15 A Material, yes.

16 MR. STEMLER: Objection, mischaracterizes  
17 earlier testimony.

18 A So this one is able to pump 25 percent material in --

19 THE INTERPRETER: You need about 75 percent  
20 liquid in order for it to pump 25 percent solid  
21 matter. You can't just pump sand with it.

22 Q (By Mr. Yackey, continuing) So where -- where do you get  
23 that 25 percent number?

24 MR. STEMLER: Objection, vague, calls for  
25 speculation.

1 THE INTERPRETER: So it's empirical knowledge  
2 and it's also physics. And we've taken  
3 measurements. And you can't really do more than  
4 25 percent. We did measurements, and 15 to  
5 25 percent is ideal, but you can't do more than  
6 25 percent. 25 percent -- the 25 percent is the  
7 top. That's the optimum.

8 That's also what we state in our brochures at  
9 Berky. You can't really do more than 25 percent.

10 Q (By Mr. Yackey, continuing) Did you discuss this number  
11 with Merchant & Gould when you were drafting your  
12 declaration?

13 MR. STEMLER: Objection, form. Also -- sorry,  
14 Ruth. You may continue.

15 THE INTERPRETER: I'm done.

16 MR. STEMLER: Also objection, calls for  
17 attorney-client privileged information.

18 Ansgar, you can -- you can, you know, feel  
19 free to discuss our conversations before May of  
20 this year. However after May, please don't discuss  
21 the substance of any conversations that we've had.

22 THE WITNESS: Okay.

23 Q (By Mr. Yackey, continuing) So before May of 2024, did  
24 you discuss this 25 percent with Merchant & Gould?

25 MR. STEMLER: Same objection.

1 A No.

2 Q (By Mr. Yackey, continuing) Did you provide them with  
3 any documents that show that this pump can pump  
4 25 percent?

5 MR. STEMLER: Same objection, asked and  
6 answered.

7 THE INTERPRETER: I never gave anything to  
8 Merchant & Gould.

9 Q (By Mr. Yackey, continuing) Do you have any documents  
10 that you've seen -- strike that.

11 Sitting here today, do you have any evidence in  
12 front of you that shows that this can pump 25 percent?

13 MR. STEMLER: Objection, form, calls for  
14 speculation.

15 THE INTERPRETER: No. That's empirical  
16 knowledge that you collected over the years. I  
17 don't have a pump here where I could demonstrate  
18 it.

19 Q (By Mr. Yackey, continuing) When you say empirical  
20 knowledge gathered over the years, what do you mean by  
21 that?

22 MR. STEMLER: Objection, vague. Objection,  
23 confusing. Objection, form.

24 THE INTERPRETER: So we've built 40 of these  
25 vehicles. I think we are on No. 41 right now. And

1 in 30 of these, we installed this pump. And, of  
2 course, we tested it every time. And I was there  
3 during the delivery where we performed tests. And  
4 over the years, you know, it became clear that  
5 25 percent is about the upper limit.

6 Q (By Mr. Yackey, continuing) Do you have any evidence  
7 sitting here today that shows the results of any of  
8 those tests?

9 MR. STEMLER: Objection, form. Objection,  
10 asked and answered.

11 THE INTERPRETER: No.

12 Q (By Mr. Yackey, continuing) Did you look for any results  
13 of any tests prior to your deposition today in  
14 preparation for this deposition?

15 MR. STEMLER: Objection --

16 THE INTERPRETER: No. I just said that right  
17 now because I know it, but it's really irrelevant.  
18 I mean, I could have left it off and maybe there  
19 wouldn't have been any more questions for it.

20 THE COURT REPORTER: Can I just get you to  
21 repeat your objection, too?

22 MR. STEMLER: Yeah. Objection, form.  
23 Objection, asked and answered.

24 MR. YACKEY: I'll pass the witness.

25 MR. STEMLER: Okay. Ansgar, I know it's been

1 a really long day. I appreciate you sitting here  
2 with us this whole time.

3 I have just a couple more quick questions for  
4 you.

5 MR. STEMLER: Scott, do you mind taking down  
6 the exhibit?

7 MR. YACKEY: Yeah.

8 MR. STEMLER: Thank you.

9 RE-EXAMINATION

10 BY MR. STEMLER:

11 Q Now, Ansgar, I know you're a modest guy, but I want to  
12 just ask you a few questions about your knowledge, and I  
13 want you to provide straightforward answers to these  
14 questions, okay?

15 A Okay.

16 Q Ansgar, do you understand English?

17 A I understand --

18 Q Let me ask -- let me ask without Ruth. Ansgar, do you  
19 understand English?

20 A I understand it, I would say, 85 percent.

21 Q And can you read in English?

22 A I can read in English maybe 75 percent, yes. So I can  
23 speak English very well with my own words. But if I  
24 have to look in this situation, there are six people in  
25 my screen, I'm first time in America, first declaration,

1 so it was very hard for me to understand it.

2 It's always -- you have a little bit of dialect.

3 So if you're the main speaker, and so it's very  
4 difficult for me to understand it. So I'm very happy to  
5 hear the translation. And, yeah, so that's the answer  
6 to your question.

7 Q I understand there's -- you know, this is an unusual  
8 situation for you, right?

9 A Right.

10 Q Ansgar, are you seeing my screen?

11 A Yes.

12 Q Am I showing you your declaration?

13 A I see that, yeah.

14 Q Defendant's Exhibit 33?

15 A Yep.

16 Q Ansgar, have you read the English version of this  
17 document?

18 A Yes.

19 Q Did you understand it?

20 A I understand it. With help from my German translation,  
21 I understand that, yes.

22 Q But when you read this -- when you read this document  
23 and you read these words, you understand what they say?

24 A Yeah.

25 Q And is it true and accurate?

1 A It is true.

2 Q And accurate?

3 A Yes, it's true, yes.

4 MR. STEMLER: Okay. Thank you. No further  
5 questions.

6 VIDEOGRAPHER: This concludes today's --

7 THE WITNESS: I can -- I can -- maybe I can  
8 say something to this. So, believe me, I had to --  
9 to sign this paper. And they explain to me so this  
10 is for declaration. Maybe you have to go to the  
11 United States and speak here. Now I'm here.

12 So believe me, I read it 10 times before I  
13 signed it. So that's -- I not -- they gave not me  
14 the paper, I signed it, and everything is fine. I  
15 read it, I made it in Germany, we translated it, I  
16 read it, and then I had to sign it. Because I know  
17 what -- what -- I have to say the truth and I have  
18 to -- to -- maybe I have to come to the United  
19 States. I'm sitting here. So that -- and those --  
20 so I -- I was very, very true with this one and  
21 very carefully to -- to -- after -- before signing,  
22 you know.

23 MR. YACKEY: Object to the answer as  
24 nonresponsive.

25 MR. STEMLER: Okay. I think that's it for us.

1 VIDEOGRAPHER: This concludes today's  
2 deposition. Time now --

3 MR. YACKEY: Hold on.

4 VIDEOGRAPHER: Oop. Sorry. Go ahead.

5 MR. YACKEY: Do you mind if we take a short  
6 five-minute break before we conclude?

7 MR. STEMLER: What for, Scott?

8 MR. YACKEY: I just want to look over my notes  
9 and see if I have any questions.

10 MR. STEMLER: I think I had you up to your  
11 time.

12 MR. YACKEY: Yeah, but you asked another three  
13 minutes of questions.

14 MR. STEMLER: Okay. I mean, I -- we gave you  
15 over three hours with this witness, Scott, and it's  
16 over 5:30 p.m. Eastern Time now where Ansgar is. I  
17 think -- I think that should just about wrap it up.

18 MR. YACKEY: So you're -- you're not going to  
19 give me a few minutes to check my notes and -- and  
20 see if I have any more follow-up questions to ask?

21 MR. STEMLER: We'll give you a couple minutes.  
22 But, I mean, this is our deposition, Scott. I  
23 think, you know, limit it to three minutes or less.

24 MR. KELLA: Taylor, it's a deposition of one  
25 day up to seven hours. And this is on behalf of

1 Nuhn, okay? One day of up to seven hours. We're  
2 not at seven hours yet. You agreed to split the  
3 time. Seven hours has not been hit. If  
4 Mr. Yackey --

5 MR. STEMLER: Who's talking right now?

6 MR. KELLA: -- has additional questions to ask  
7 on behalf of Nuhn, then he's free to ask them.

8 If you decide to end the deposition, know that  
9 Nuhn objects to any use of this deposition in the  
10 case, and that's your choice.

11 MR. STEMLER: Who is speaking? Who -- who is  
12 talking?

13 MR. KELLA: The individual shown on Zoom,  
14 Taylor.

15 MR. STEMLER: I don't see any individual on  
16 Zoom where this voice is coming from.

17 MR. KELLA: Michael Kella. It's on the  
18 screen.

19 MR. STEMLER: Did you -- have you made an  
20 appearance in this deposition? Why are you  
21 objecting?

22 MR. KELLA: We're not -- we're not -- are we  
23 on the record or off the record?

24 THE COURT REPORTER: On.

25 MR. KELLA: I'm sorry. I thought we were off

1 the record. But either way, the same thing  
2 applies.

3 MR. STEMLER: Okay. Like I told Scott, we'll  
4 give you guys three more minutes here. But, I  
5 mean, you didn't notice this deposition. We're  
6 extending you a courtesy of asking Ansgar a few  
7 questions.

8 Scott keeps referring to an agreement we made  
9 for a different deposition taking place in Europe  
10 that you objected to. So I just want to make sure  
11 that's clear for the record.

12 MR. KELLA: Yep. Taylor, that's fine. The  
13 point is you can do what you want. We're just  
14 warning you of the objection of the repercussion.  
15 It's Bazooka's choice whether they end the  
16 deposition.

17 MR. STEMLER: Sounds good. We'll -- we'll do  
18 three more minutes.

19 Ansgar, is that okay with you?

20 THE WITNESS: Yes, yes. No problem for me.

21 VIDEOGRAPHER: We are going off the record.

22 Time now is 4:33.

23 (A recess was taken.)

24 VIDEOGRAPHER: We are back on the record.

25 Time now is 4:38.

1                   MR. STEMLER: Scott, for the record, I'd like  
2                   to move to strike any of Mr. Kella's comments from  
3                   before we broke, given that he is not a taking  
4                   attorney in this deposition.

5                   RE-EXAMINATION

6                   BY MR. YACKEY:

7                   Q     So I've got Exhibit 37 shared on my screen. Do you see  
8                   this previously introduced as DX 37?

9                   A     Yes, I see it.

10                  Q     First question, in the bottom right-hand side of the  
11                  screen it says BAZ15\_24337.

12                  Do you see that?

13                  A     Yes, I can see that.

14                  Q     And right above that there are some numbers. Do you see  
15                  02.09.13.

16                  Sorry. Let me zoom in. That might allow you to  
17                  see it better.

18                  A     Yeah.

19                  Q     Do you know what that is?

20                  MR. STEMLER: Objection, vague, confusing,  
21                  form.

22                  A     I think it's -- it could be a date. I don't know.

23                  Q     (By Mr. Yackey, continuing) Okay. And I believe you  
24                  earlier said that this is a -- a high-level picture of  
25                  the hydraulic system?

1       A     It is -- yeah, it is a picture. It's not a hydraulic  
2             plan. It is a picture for our customers to explain to  
3             them what kind of hydraulic parts are inside from the  
4             Amphi-King.

5             Right, it is only a picture. You cannot -- you  
6             cannot build an Amphi-King from this picture. It's only  
7             for -- for explaining to other guys what is inside.  
8             It's a very easy hydraulic picture.

9             MR. YACKEY: Okay. Thank you. No further  
10            questions.

11            VIDEOGRAPHER: This concludes today's  
12            deposition. The time now is 4:40 p.m.

13            (The video deposition of Ansgar Lonnemann came  
14            to a close at approximately 4:40 p.m.)  
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16  
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25

1 STATE OF MINNESOTA)

2 COUNTY OF DAKOTA )

3 Be it known that I took the video deposition of Ansgar  
4 Lonnemann on the 6th day of September, 2024 remotely via  
5 Zoom;

6 that I was then and there a Notary Public in and for the  
7 County of Dakota, State of Minnesota, and that by virtue  
8 thereof I was authorized to administer an oath;

9 that the witness, before testifying, was by me first  
10 duly sworn to testify to the whole truth and nothing but the  
11 truth relative to said cause;

12 that the testimony of said witness was recorded in  
13 stenotype by myself and reduced to print by means of  
14 Computer-Assisted Transcription under my direction, and that  
15 the deposition is a true record of the testimony given by the  
16 witness to the best of my ability;

17 that I am not related to any parties hereto nor  
18 interested in the outcome of the action.

19 Dated this 13th day of September, 2024.

20

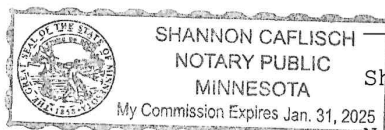
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*Shannon Caflisch*

Shannon Caflisch, RPR

Notary Public,

Dakota County, Minnesota

My Commission expires 1-31-2025

|                          |                        |                        |                        |
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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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