

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.

* * * * *
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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21
22
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24
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INDEX

EXAMINATION	PAGE
Of Ansgar Lonnemann	
By Mr. Stemler	7, 204
By Mr. Yackey	122, 210
OBJECTIONS	
By Mr. Yackey	12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 27, 30, 31, 34, 39, 40, 47, 50, 55, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 72, 74, 75, 78, 79, 80, 81, 82, 83, 84, 85, 87, 88, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 103, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 119, 121, 223
By Mr. Stemler	122, 123, 124, 125, 126, 128, 129, 130, 131, 132, 134, 135, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 150, 151, 152, 153, 154, 155, 160, 161, 162, 163, 164, 165, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 183, 184, 187, 188, 189, 190, 191, 192, 193, 195, 196, 197, 198, 200, 201, 202, 203, 210
DEFENDANT'S EXHIBITS	
Exhibit 33	Declaration of Ansgar Lonnemann
Exhibit 34	IPR brochure
Exhibit 35	Product manual
Exhibit 36	Parts list

1 Exhibit 37 Hydraulic diagram

2 Exhibit 38 2010-06-18 offer

3 Exhibit 39 Amphi-King photos

4 Exhibit 40 Video

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6 PLAINTIFF'S EXHIBITS

7 Exhibit 1 Defendant's Revised Notice of Deposition of

8 Ansgar Lonnemannnn

9 Exhibit 2 Translation declaration of Beverly Santamaria

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11 * NOTE *

12 (Original exhibits were attached to original transcript;

13 copies to transcript copies.)

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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

1 spell your boss's name?

2 THE WITNESS: My boss was Mr. Rainer Schröder.

3 THE COURT REPORTER: Could you spell it?

4 THE INTERPRETER: S-c-h --

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

6 THE WITNESS: Rainer, r-e, yeah.

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

8 THE COURT REPORTER: Thank you.

9 THE WITNESS: He was the owner from SenwaTec.

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

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

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

21 THE WITNESS: Right.

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

24 MR. YACKEY: Objection, lacks foundation,
25 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

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

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

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

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

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

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

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

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

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

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

25 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

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

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

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

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

12 THE WITNESS: Yeah. No problem. Okay.

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

15 THE WITNESS: Okay.

16 (Deposition Exhibit 35 was marked for
17 identification.)

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

20 A Yes.

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

23 Ansgar, do you recognize this document?

24 A Yeah. Yes.

25 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 Schröer 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

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

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

7 A This? Yes, right.

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

10 A Yes.

11 Q -- sold to this customer?

12 A Yes.

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

15 (Mr. Kella joins the Zoom deposition.)

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

18 A Assist?

19 Q Yes.

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

24 Q Who prepared this document?

25 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 unside 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 Schröder.

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.

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

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

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

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

16 A Yes, right.

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

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

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

23 A Six. Four are connected with a hydraulic system and two
24 in the middle of both sides are only for connecting the
25 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?

1 MR. YACKEY: Objection, form.

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

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

13 MR. YACKEY: Objection, form.

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

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

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

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

22 A Yes, that's right. Yes.

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

25 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.

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

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

4 Q Yeah.

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

6 Q On the bottom of what part of the pump?

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

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

11 MR. YACKEY: Objection, form.

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

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

16 MR. YACKEY: Objection, form.

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

24 Q (By Mr. Stemler, continuing) How -- how did the priming
25 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.

1 MR. YACKEY: Objection, leading, form.

2 A These pictures shows some tests. So normally the -- the
3 pump is on the ground and you wants to remove sand or
4 whatever.

5 So in this -- so the pump is not on the ground.
6 And if you start the pump with full power, there is a
7 very big vacuum inside, and the vacuum -- the pump goes
8 down in the water, and then the -- the complete boat
9 goes down a little bit in the water because there's a
10 very -- very strong vacuum when the pump is running.
11 When the pump is not on the ground, then you can feel
12 it.

13 Q (By Mr. Stemler, continuing) Ansgar, I'm showing you
14 that -- that last picture in the sequence I mentioned
15 earlier --

16 A Yeah.

17 Q -- ending in 570.

18 Do you see this picture?

19 A Yes.

20 Q What is this picture showing?

21 MR. YACKEY: Objection, form.

22 A It's -- it shows the Amphi-King in the water, so it's
23 working -- the guy's working with the pump. You see
24 the -- the spray pipe or the -- the spray goes back in
25 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.

1 Q (By Mr. Stemler, continuing) What types of materials
2 could the pump pump?

3 MR. YACKEY: Objection, form, lacks
4 foundation, vague.

5 A All -- all kinds of -- of fluid and mud, sand and
6 sediment with -- with a diameter, I don't know, up to
7 three, four centimeters. And -- but you need fluid. So
8 you cannot only pump sand, you need water, your fluid.
9 You can pump it up to 25 percent material and the rest
10 must be water or another fluid -- or another fluid. Not
11 water or another fluid, of course.

12 Q (By Mr. Stemler, continuing) Could the pump pump a --
13 like a stick or something floating in the water?

14 MR. YACKEY: Objection, form.

15 A If there is small weed or small wood -- so the pump,
16 first step I explained in some picture before where
17 we'll cut it from the cutter and then it works.

18 But it's -- this pump is not built to -- to pump
19 weed or wood. So it would stop after some minutes and
20 then you have to clean it. But if there is one -- one
21 wood or a little bit of weeds, it's -- the pump is able
22 to do that.

23 But the main sedi -- the main product is to pump
24 sand or sediment or small stones for this pump.

25 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

1 translated before. We sent the English version, it
2 was translated in Germany, so --

3 THE INTERPRETER: I misunderstood you, okay.

4 Q (By Mr. Yackey, continuing) Who -- who -- so did you
5 write the German language declaration?

6 A Yes, yes.

7 Q Who -- who translated it from German to English?

8 MR. STEMLER: Objection, form. Objection,
9 harassment. The witness said that he understands
10 the -- the declaration. This is irrelevant.

11 MR. YACKEY: Taylor, I'm just trying to -- as
12 far as I know, this German language version of his
13 declaration has not been produced, and I just want
14 to know if he wrote it into German and I'm just
15 asking who translated it.

16 A So I did it in -- in German. I translated in -- in
17 English with help -- with translation -- translating
18 tool. And we have -- I have a colleague in -- at Berky
19 and he's very -- his family is German, but he lives
20 about 12, 13 years in Bangkok. He's very familiar with
21 the -- the -- the English language and he --

22 THE INTERPRETER: He helped me, he proofed it.

23 Q (By Mr. Yackey, continuing) What's his name?

24 A His name -- Martin -- is it -- is it okay?

25 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?

1 Q (By Mr. Yackey, continuing) Who did you meet with in
2 Atlanta?

3 THE INTERPRETER: I traveled here by myself
4 and then I came to this building and I'm doing this
5 video deposition now. I didn't meet with anybody
6 who was related with this case -- to this case.

7 MR. STEMLER: And, Ansgar, you can explain
8 that you and I discussed on video call yesterday,
9 but do not --

10 A Yes, video call, yes, but not in person. So he's not a
11 person I meet here in -- in Atlanta. We had a video
12 call. We checked the -- the -- the -- the technique, if
13 it works and everything. I check the room here, but
14 nothing else.

15 Q (By Mr. Yackey, continuing) So you met with no attorneys
16 in Atlanta in preparation for today's deposition?

17 A No.

18 THE INTERPRETER: No.

19 Q (By Mr. Yackey, continuing) Other than Taylor by
20 videoconference yesterday, did you meet with any other
21 attorneys for Merchant & Gould in preparation for
22 today's deposition?

23 A No.

24 Q How long did you meet by videoconference with
25 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.

1 THE INTERPRETER: I -- I -- I don't
2 understand.

3 A Yes. I'm -- I'm happy to be here, because I'm -- I know
4 that we produced this product before 2013. And so, yes,
5 I'm here to -- to explain the Amphi-King. And I know
6 that it is true that we produced it before 2013 and we
7 used this one with a -- with a pump in front of. And so
8 it makes absolute sense to -- to be here and to explain
9 what happens, what -- what -- what we built.

10 So I'm proud of this product. I -- I built this
11 one. And so, yes, I'm happy to be here, yes.

12 Q (By Mr. Yackey, continuing) Are you testifying on behalf
13 of Berky?

14 MR. STEMLER: Objection, harassment,
15 irrelevant, vague.

16 THE INTERPRETER: Strictly speaking, I am here
17 for Berky because they asked me. But I'm also here
18 because of my own conviction, because I know that
19 we built these vehicles.

20 Q (By Mr. Yackey, continuing) Are the attorneys for
21 Merchant & Gould representing you?

22 MR. STEMLER: Objection, calls for
23 attorney-client privileged information.

24 Ansgar, you can go ahead and answer the
25 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.

1 Q (By Mr. Yackey, continuing) So the -- the covered manure
2 lagoons that you've seen in your home village, can
3 someone have driven an Amphi-King into it?

4 MR. STEMLER: Objection, calls for
5 speculation.

6 THE INTERPRETER: No.

7 THE WITNESS: No.

8 THE INTERPRETER: Yeah. I don't know what
9 you're getting at. But I'm just saying what we
10 have in my village, those are not the huge lagoons,
11 you know, those are small farmers who have their
12 manure things. So I don't know what you're aiming
13 for.

14 But we just saw in the video these -- these
15 slurries or sludge lagoons, they're not in my home
16 village. I don't want us to talk about two
17 different things here.

18 Q (By Mr. Yackey, continuing) So in -- strike that.

19 I'm going to share my screen again. Can you see my
20 screen?

21 A Yes.

22 Q And this is previously introduced Defendant's Exhibit
23 33. Do you see that?

24 A Yes.

25 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

1 with marketing is predominantly that I did
2 demonstrations, that I visited trade fairs, that I
3 wrote emails. But the most important thing were
4 demonstrations, demos.

5 Q (By Mr. Yackey, continuing) Were you responsible for
6 creating brochures?

7 MR. STEMLER: Objection, vague. Objection,
8 form.

9 THE INTERPRETER: I didn't personally prepare
10 the brochures, but I supplied wording, texts, and
11 photos with Rainer Schröder and -- who was the
12 other?

13 THE WITNESS: Ronald Otte.

14 THE INTERPRETER: Ronald Otte. We supplied
15 materials or supplied information, wordings, texts,
16 photographs, but we did not personally do the
17 brochures.

18 Q (By Mr. Yackey, continuing) All right. So if we look at
19 Paragraph 3 of your declaration, it says: I am not
20 being compensated for my testimony or involvement in
21 this matter.

22 Did I read that correctly?

23 A I see it. Yes, yes, I can see it, yes.

24 Q Is that still true today?

25 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

1 not covered manure lagoons. They're more like
2 containers where the animal waste is being stored
3 and they're -- they're tall and they're covered on
4 top. It's nothing that you could enter with a
5 boat.

6 Q (By Mr. Yackey, continuing) So what's the -- what's the
7 German word for manure?

8 THE INTERPRETER: I'm sorry?

9 MR. YACKEY: What's the German word for manure
10 or animal excrement?

11 THE INTERPRETER: Mist.

12 THE WITNESS: Mist?

13 THE INTERPRETER: Mist.

14 THE WITNESS: Mist.

15 MR. YACKEY: Can you spell that for me?

16 THE WITNESS: Mist.

17 THE INTERPRETER: M-i-s-t.

18 THE WITNESS: This says mist. So I have to
19 explain. Is it mist? Mist is strong, you know --

20 THE INTERPRETER: Let me -- let me look it up
21 just to make sure, because it's an important word.

22 THE WITNESS: Mist is not a fluid, you know,
23 so we -- we have to discuss what the right word is.

24 THE INTERPRETER: Okay. Well, manure. No.

25 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 Schröder, 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.

1 Q Are these, like, partial cut-away views?

2 THE INTERPRETER: Section where you can see
3 everything -- where everything is. And if any
4 spare parts have to be ordered, then the driver can
5 see, based on the number, what spare parts he has
6 to order.

7 Q (By Mr. Yackey, continuing) In these -- in these two
8 views, there's -- there's portions of the vehicle that
9 are not shown because there's a -- a cutting line or
10 what have you through the -- through the picture; is
11 that correct?

12 MR. STEMLER: Objection, vague. Objection,
13 confusing, form.

14 THE INTERPRETER: Yes. For example, here the
15 left side of the boat is not shown. It's a cut
16 through the boat so you can see what the boat looks
17 like on the inside.

18 THE WITNESS: Yep.

19 Q (By Mr. Yackey, continuing) So the -- you see the front
20 of the boat right here; is that correct?

21 A Right. That's correct.

22 Q And that's, like, slanted -- the front is slanted here?

23 A Slanted? Yes. Yes, it is, right.

24 Q And I think you've said earlier that this is called the
25 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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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

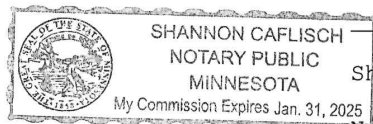
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Shannon Caflisch

Shannon Caflisch, RPR

Notary Public,

Dakota County, Minnesota

My Commission expires 1-31-2025

&	0024471 86:19	10:38 55:24	15 1:15 54:10
& 2:11 126:10	0024519 102:20	10:46 56:3	67:25 69:1,3
127:21 128:24	0024543 102:2	11 1:11 55:6	83:18,20,24
129:14,24	0024544 99:10	119:13,13	84:1,4 137:11
130:2,13,19	0024553 108:7	122:4	149:24 150:1
131:21 187:13	0024554 108:7	11:15 73:12	201:4
187:21 188:2,7	0024568 108:25	11:20 73:10	150 2:12
188:13 190:3,8	0024569 109:3	11:45 73:16	15th 133:1
190:14 201:11	0024570 109:2	11:51 77:20	16 1:16 28:9
201:24 202:8	0024579 114:14	11:53 77:23	54:4,10 167:12
0	0024591 117:6	12 1:12 22:8	168:4
0.7 198:1	0024597 115:6	119:9,13,14	168,169,170,...
0001314 156:4	02.09.13.	125:20 174:6	3:18
0001319 18:13	210:15	184:4	17 1:17 28:9,9
161:23	08 136:24	12,13,14,16,...	50:24 54:18
0001320 18:15	1	3:9	18 1:18 50:24
0001322 166:24	1 1:1 4:7 5:10	122,123,124,...	65:5 123:20
0001323 162:16	122:9,13,13	3:15	169:12 173:9
167:4	159:21 160:4	122,210 3:6	173:12
0001325 174:9	170:19 189:25	13 1:13 125:20	18.06 65:5
00015 1:7 5:16	1,500 91:24	131,132,134,...	188,189,190,...
0001799 159:18	1,800 91:21,24	3:16	3:19
0001801 160:21	91:24 92:1	1319 164:25	19 1:19 11:7,24
001323 162:12	95:19	1320 162:1	49:17 155:24
001325 12:22	1-31-2025	165:24	171:7,9,16
0024319 189:21	212:25	1321 162:4	172:17 173:9
0024324 194:17	10 1:10 23:22	166:12	190 76:3
0024329 191:23	54:18 55:18	1322 162:6	196 76:3 78:2
0024331 194:14	184:4 194:8	1326 174:12	19th 22:17
0024380 187:5	206:12	1327 174:14	173:6
0024408 188:18	100 146:10	13th 212:19	1:02 120:8
0024429 89:22	108 66:6	14 1:14 49:17	1:07 120:13
200:1	108,109,110,...	147,148,150,...	1:10 122:6
0024459 80:17	3:13	3:17	1st 10:17,20
			148:7

2	191:14	24 1:24 54:10	34 3:23 24:22
2 1:2 4:9 45:3	2013 11:7,24	24337 210:11	25:13 26:13
56:2 63:2	13:18 15:14	25 1:25 14:12	28:11,25 44:25
148:16 150:22	21:10 22:5,9	43:6 71:2 93:4	56:9
159:13,16	22:11,13,18	112:9 200:13	340/65r18 66:6
198:12,12	25:3 28:20	200:18,20,23	35 3:24 32:16
2,000 89:12,13	48:15 59:2	201:4,5,6,6,6,9	32:22 186:25
20 1:20 50:24	71:7,8,12	201:24 202:4	187:1
96:13 184:4	81:15 103:19	202:12 203:5	36 3:25 46:20
200 93:9	115:1 119:14	250 93:9	46:23 189:17
137:15	119:17 121:10	25th 160:1	194:17
2000 20:20	131:4,6 144:18	27 52:18	360 40:3 97:15
22:7	155:24 171:16	27,30,31,34,...	100:8,12
2008 136:23	2015 10:17,20	3:10	37 4:1 56:6,12
2010 22:6 63:7	13:2 146:1	2801 2:3	210:7,8
65:5 74:17	147:8 148:2,7	29 41:25 42:2	38 4:2 61:13,16
137:1	184:20,21	2:31 158:16	136:4
2010-06-18 4:2	2016 28:9	2:38 158:20	389 74:10
2011 10:20	184:12,24	3	39 4:3 73:3
13:19 14:12,18	185:7	3 1:3 54:8	74:6,8 77:25
22:7 74:19	2017 184:13	73:15 123:2	80:16 199:25
119:9 137:1	2020 148:14	151:19 192:1	3:22 1:7 5:16
160:1 173:2	2023 133:4,5	193:3	3rd 167:15
2012 17:1,3	171:9	30 62:2 73:19	168:18 172:19
19:1,12 20:21	2024 1:13 5:2	73:20,23 203:1	173:5
21:13 22:8	133:7,8 201:23	300 139:19,24	4
23:20 30:20	212:4,19	31 10:20	4 1:4 38:13
33:18,19,19	21 1:21 53:11	31st 146:1	52:14 54:8
47:10 167:15	53:17 54:4	147:8 148:2	78:15 120:12
168:18,24	210 3:19	323 66:16	193:5,6
169:2,2,10,13	22 1:22 53:11	33 3:22 9:5	40 4:4 118:2
169:23,25	53:17 54:5	142:23 161:20	119:22 120:1,3
171:4,10,18,20	2200 2:12	205:14	120:16,19
172:11,19	23 1:23 53:11	3307 87:4	176:24 202:24
173:3,4,7,14,20	53:17 54:5		

400 2:8 41 202:25 4:10 199:15 4:17 199:19 4:33 209:22 4:38 209:25 4:40 211:12,14	7,204 3:5 70 87:3 72 86:20 75 200:19 204:22 75034 2:4 7700 2:7	above 101:25 210:14 absolute 121:17 131:8 197:10 absolutely 123:14 197:10 acceleration 96:12,13 access 75:12,22 77:6,13 146:12 146:14,19,20 146:20 147:5 accessible 11:9 18:21 169:13 169:24 171:3 173:13 accident 101:10 accomplished 68:9 accurate 8:24 53:4 159:23 205:25 206:2 accurately 18:17 20:5 38:16,19 48:14 54:25 55:10 58:25 66:18 119:16 121:14 action 5:21 212:18 activity 168:6 actual 149:7	actually 75:23 104:16 135:17 157:14 171:3 174:18 adapt 39:9,15 39:15,16,16,20 39:22 93:7,8 96:2 104:8,11 106:25 adapted 25:19 26:2 39:7 41:17 76:24 78:16 87:14,15 88:2 90:2 99:16 103:16 105:5 197:22 adapter 90:18 90:18 103:10 104:2 added 66:25 adding 28:2 additional 38:10 208:6 address 77:6 170:3,12,15,18 170:21,23,25 171:6 administer 212:8 adopt 14:6 advantage 26:4 advertise 20:18 177:24 178:3,9 178:20 183:7
5	8		
5 1:5 38:25 78:17 152:5,17 158:19 500 117:12 55402 2:13 570 110:17 580 114:15 581 114:16 5:30 207:16 5:55 194:8	8 1:8 51:16 136:23 85 204:20		
	9		
	9 1:9 918 66:13 92,93,94,95,... 3:12 95 53:6 163:16 9:07 1:14 5:2 9:39 24:3 9:47 24:6		
6	a		
6 1:6 5:2 155:23 170:20 199:18 60 80:19 600 2:4 63105 2:8 67,68,69,70,... 3:11 6th 1:13 173:6 212:4	a.m. 1:14 5:2 abilities 104:8 104:10 ability 212:16 able 26:1 73:20 91:15 100:13 111:21 112:21 120:2 138:2,3 146:11,13 193:14 200:18 abmessungen 70:1,4,5		
7			
7 1:7 10:10 191:25 192:2 193:21			

advertised 183:3	aim 96:16 97:4	34:2,10 36:7	167:25 174:22
advertisements 12:4,9	aiming 142:12	37:13 38:17,22	175:2,14 178:9
advertising 20:14 21:17	air 41:19 43:1	38:23 39:1,8	178:16 179:4
35:2 72:25	66:9,11 67:5	43:9 45:5,6,22	179:11 182:8
160:22 169:15	78:22	46:1 48:15	183:24 184:10
169:17 171:18	alekemeier	49:1 51:21,22	184:23 185:9
178:6 179:4	126:5	55:1,11 56:15	185:13,14,18
affiliations 6:1	alkemeier	56:16 57:1,9	185:19,20,21
affix 82:19	126:3,4,6	59:1 60:2	185:23,24
afford 7:7	allow 193:22	61:25 62:4	186:1,3,5,7
afforded 6:20	210:16	63:7,15 64:6	189:7,10,11
agitating 11:18	allowed 28:6	65:12 70:17	191:15 197:9
16:16 152:19	77:10 184:2,3	71:5,9,12,25	197:25,25
agitation 12:11	184:5 185:17	72:16,23 74:15	198:7 211:4,6
140:7	185:18,18,22	78:10 79:19	amphibic
agitators	185:22,25	81:14 87:5	164:23
140:19	186:2,8	90:3 99:16,22	amphibious
ago 169:1	altered 145:22	102:8,15	11:21 12:10,10
170:7	ambiguous	103:19 105:13	14:4 72:1
agree 5:9	140:1 141:5	105:14,15	76:22 83:20
agreed 6:18 7:1	america 192:8	106:25 108:3	119:12 156:16
65:11 208:2	197:6 204:25	108:11,19	160:10 177:5
agreement 7:2	amphi 4:3	109:9 110:22	ample 7:7
209:8	10:25 11:16,17	111:2,6,13,14	angle 97:3,7
ahead 8:11	12:3,8,11,25	114:20,23,24	104:2 113:17
21:8 85:4	13:1,5,7,8,12	114:25 115:10	angry 197:7
120:18 121:25	13:21,23,25	117:14 118:12	animal 154:8
123:2 126:1	14:13 16:15,19	119:17 120:25	176:7,11
128:19 130:6	17:15 18:7,18	121:8,15 131:5	177:10,17,21
130:20 131:24	18:19 19:19,20	142:3 148:19	177:24 178:9
207:4	19:24 20:3,6,9	148:21 149:24	178:13,20
	21:16 24:25	149:25 152:7	179:5 180:2,10
	25:2 26:4,25	152:18,22	182:22
	27:1,24 28:3	153:9 154:21	animals 139:19
	28:19 33:1,6,9	155:10 166:16	139:24,25

annex 189:25	113:24 114:13	answers 204:13	113:1,2,11,17
ansgar 1:12 3:4	115:8 117:7	anybody 15:16	118:16,18,19
3:22 4:8 5:11	119:8,25	127:5 188:11	arrived 123:9
6:13 7:20,22	120:14,19	anymore 46:16	arrow 39:23
7:23 8:23	121:9 123:25	appear 29:5	article 14:13
10:15 12:7	124:11 126:2	52:25 55:9	15:20 156:3
13:16 15:9	126:20 127:7	appearance	160:6
16:10 18:16	128:3 129:5	5:25 208:20	aside 29:3 55:3
19:14 21:24	130:6,21	appearances	asked 70:9
24:7,12,24	131:24 132:12	2:1 6:1	126:12 131:17
28:10 29:3,12	201:18 203:25	appeared 2:4,8	133:13,14
30:5,17 31:19	204:11,16,18	2:13 169:10	151:25 155:12
32:4,18,23	205:10,16	appearing 6:3	156:6 158:2
38:1,17 39:2	207:16 209:6	8:1	171:21 172:22
41:12,16 42:1	209:19 211:13	appears 76:2	173:16 183:21
42:6 43:10,23	212:3	165:22 168:4	194:11 202:5
44:24 46:19,23	answer 8:18	applicator	203:10,23
47:1 48:21	12:7 13:16	140:5	207:12
49:15 50:17,23	18:5 21:25	applies 209:2	asking 125:15
51:17 52:16	43:16,18,19	appreciate	139:25 160:3
56:4 57:24	50:22 85:5	204:1	171:23 177:21
58:19 61:16,19	123:25 124:3	appreciated	182:21 209:6
65:21 67:20	126:2,15,20	11:25	assembly 49:12
69:21 73:1,25	128:3,6,19	apprentice	assist 62:16,18
74:8 75:17	130:6,21	136:16	assisted 212:14
76:7 77:5,13	131:24 147:12	appropriate	associated
77:24 79:2	147:15 205:5	8:19	11:22 59:6
80:2,16 84:25	206:23	approximately	assume 165:4
85:5 86:18	answered 97:6	107:23,25	assumes 143:20
89:21 98:1	151:25 155:12	211:14	154:25
99:8,9 101:25	171:21 172:22	area 117:10,11	ate 161:4
102:12,19	173:16 202:6	117:13,15,18	atlanta 123:7,8
105:9,16 107:3	203:10,23	179:1,17	123:15 126:25
108:6 109:4	answering 76:1	arm 40:6,13,16	127:2,11,16
110:13 113:8	200:4	40:16,17 41:2	159:5

attach 14:7 41:7 attached 4:12 12:23 29:1 82:13,14 83:12 104:19,20 159:22 attachment 102:24 106:16 106:19,23 115:14 189:3 attachments 14:14 39:9,11 39:14 103:2 104:14 106:16 106:17 attention 20:17 20:18 attorney 6:2 123:22,23 126:14,20 128:2,18 129:4 131:23 132:4,9 201:17 210:4 attorneys 127:15,21 131:20 audibly 8:18 audio 5:7 130:15 august 11:7,24 13:18 14:12 22:17 155:24 160:1 171:9,16	austria 21:11 22:3 71:13,22 authorized 212:8 automatically 99:3 available 14:19 25:3 164:10 aware 13:6,21 122:22 145:20 awareness 12:2 b b 12:12,12 16:11,12,13,23 17:10 144:12 161:22 162:12 163:3 164:25 166:24 167:4 167:14 169:12 171:8 172:18 173:13 baby 28:1 back 14:25 15:11,11 17:3 17:16 23:22 24:5 36:2 44:25 48:18 50:1,9,12,12 56:1 59:16 73:10,14,21 77:22 89:20 93:4,6 100:11 100:13 106:13 106:24 107:23 108:18 109:17	109:19 110:24 111:15,16 117:3 120:5,11 136:3 137:21 153:7 158:18 158:21 161:17 167:10 170:17 190:24 193:10 199:17 209:24 background 117:22 118:25 147:14 165:18 165:19 backside 43:15 49:9 50:3,9 52:7 61:8,9 82:7 100:9 106:15 108:12 108:16 111:5 111:13 115:16 116:12 121:1 backward 86:12 111:11 111:20 116:13 117:3 198:19 backwards 52:11 111:25 bacteria 161:3 bad 56:12 130:16 186:10 196:25 balloon 67:7 bangkok 125:20	bar 66:10 based 195:5 basically 16:17 88:7 basis 152:21 171:13 183:13 bates 12:22 28:23 80:17,18 86:20 89:22 114:15,15 115:5 159:17 162:14 187:5 189:21 191:22 194:14,17 199:25 baz15 12:22 18:13,15 80:17 86:19 89:22 99:10 102:2,20 108:7,7,25 109:2,3 114:14 115:6 117:6 156:4 159:18 160:21 161:23 162:12,16 164:25 165:24 166:12,24 167:4 174:9 187:5 188:18 189:21 191:23 194:14,17 200:1 210:11 bazooka 1:8 5:13 6:4,18 122:25 128:25
---	--	---	---

134:23 135:7,8 bazooka's 209:15 beach 123:18 beginning 6:2 20:22 150:18 behalf 6:4,6 7:3 130:24 131:12 207:25 208:7 belgium 132:22 believe 8:16 183:21 188:24 200:11 206:8 206:12 210:23 berky 10:16,17 13:2,4 28:5 31:23,24,25 32:2,3 35:5,6,8 48:8,10,13 58:22,23 80:8 80:11,12,12 118:2 119:1 125:18 129:17 129:23 130:13 130:18 131:13 131:17 133:16 134:1,3 137:25 144:16,20,24 145:3,9,17,22 146:4,11 147:16,22 148:6,11,13 152:3 176:22 184:17,17,19 184:20,21	185:5 186:3 188:1 201:9 berky's 23:12 145:6 146:14 167:16 best 8:9 212:16 better 9:12 36:20 50:5 108:15,16 150:19 152:15 191:20 210:17 beverly 4:9 bids 178:18 big 26:4 44:7 49:24 53:19,23 54:1,6 61:6 91:11 93:18 110:7 115:13 115:14 118:20 124:7 196:25 bigger 9:9 38:2 54:2 61:22 65:3 83:5 117:23 145:9 145:11,12,12 159:16 198:13 bigness 95:13 biomass 121:1 bit 19:17 26:20 32:5 36:2 38:2 49:5,8,19 50:3 50:12 52:6,7 61:23 65:3 69:10 83:5,5 104:12,13	106:1 107:12 107:13 110:9 111:17 112:21 117:23 128:9 128:13 132:20 137:11 145:13 190:19 194:2 196:10 198:13 205:2 black 90:17 91:10 92:25 102:3,5 103:12 blah 64:11,11 bloomer 136:3 blue 64:10 90:18 103:9,9 103:10,13,17 board 189:11 boat 28:1 30:15 33:18 40:24 41:1,4,5 43:14 43:15 49:9,23 50:4,9 61:9,10 67:15 81:6,6 81:10,12,20 82:7,9,10 100:3,14,20,21 100:23 101:2,9 101:14,15 105:19 107:21 108:2,17 109:18,19 110:8 111:19 116:18 117:22 164:23 179:13	179:16 180:5 186:12,16,18 189:2 195:15 195:16,16,20 199:2,2,5 boats 14:8 25:11 27:11,18 27:21 30:12 64:24 76:12 117:17 118:5 118:22 177:3 bodies 71:24 178:17,17 179:2 body 118:14 167:11 boggs 6:11 bolt 54:18 bolts 54:1,1,10 55:4 103:5 bonhomme 2:7 book 129:20 booked 129:16 boom 40:2 48:17 53:18,24 53:25,25,25 78:13,16 89:19 90:3 96:18,19 97:1,10,11,12 99:21,23,25 100:2,5,8,16 103:1 105:5,23 112:25 113:2 113:11,17 115:11,13
--	---	--	--

162:8 196:1 198:2 boomer 166:21 boss 15:21 16:2 17:8 29:14 34:3,22,25 37:20,21 62:21 64:7,20 75:4,7 80:6 118:1 133:13,13 148:4 163:17 179:15 185:3,9 boss's 16:1 bottom 27:9 28:24,24 29:4 45:3 86:20 90:5 91:12 93:24 94:16 97:21 98:2,5,6 98:7 115:22 116:5 153:3 196:13 197:17 198:9 199:4 210:10 bought 11:15 13:2 31:25 33:5 63:14,25 65:11,15 80:12 200:9 boulevard 2:4 break 17:23,25 23:22 40:22 55:21 73:9,9 73:19,20,24 74:1 77:16	94:8 100:11 120:4 158:7,13 199:10 207:6 breaks 158:22 158:23 159:8 bridge 46:6 bridged 46:9 bring 113:22 138:3 brochure 3:23 brochures 11:3 11:5,9 12:16 31:10 151:6,10 151:17 201:8 broke 77:24 210:3 broken 150:3,4 brought 73:7 77:25 bucket 39:15 102:25 104:11 104:25 build 27:22 30:12 45:15 56:16,25 61:1 63:24 64:22 65:13,15 87:5 111:25 118:5 145:4 146:21 149:11 150:15 173:2 211:6 builder 138:10 building 27:19 30:15 57:10 75:8 79:10	127:4 138:24 146:22 buildings 165:18 built 27:18,22 47:13 56:14 57:8,9 112:18 131:9,10,19 137:14 140:12 149:12 150:13 202:24 bullet 177:15 bunch 157:14 buoyancy 67:9 67:16 business 11:8 12:15 20:23 23:12 121:6 147:18 148:1,8 164:13 167:16 169:17 button 147:13 buy 54:6,13 65:11 buying 12:17 80:12 buys 63:23 c c 12:19,20 16:4 16:5 19:14,15 20:4,11 21:3 21:20 22:20 23:6,12,19 28:16 29:6 43:2 69:14	144:12 174:4,8 176:23 181:8 181:14 cabin 194:21 caf 5:19 caflisch 1:19 5:19 6:15 212:22 calculations 138:11 call 104:21 127:8,10,12 129:10 159:3 183:4 called 152:7 157:20 159:6 176:1,2,2 181:7,10,25,25 195:24 calling 155:13 160:9 188:14 190:5 calls 13:15 14:3 14:17,21 16:25 17:4,11 18:23 19:5 20:13 21:2,6,23 22:22 23:9,14 27:3 30:9,25 31:7,14 34:7 34:16 39:13 40:11,18 47:25 50:20 57:16,20 58:17 62:14 63:10,20 64:4
---	--	---	---

64:15 65:8 66:23 70:21 72:6 75:11 79:13,17 80:1 80:10 81:1,17 81:21 123:23 126:13,19 128:1,18 129:3 131:22 132:8 137:8 142:4 161:12 171:22 179:6 187:22 188:3 190:17 200:24 201:16 202:13 camera 5:5 32:5 cancelled 132:23 cap 11:22 85:8 capabilities 11:22 12:11 20:6 capital 144:4 car 69:2 119:1 119:5 careful 96:24 100:24 128:20 carefully 108:18 206:21 carry 67:14 carted 140:24 case 1:7 5:15 37:15 42:12 50:2 123:2	124:20 127:6,6 128:25 133:10 133:12 134:10 134:19,22 141:24 143:1 192:10 199:9 208:10 cause 86:5 128:12 186:13 212:11 causes 92:14,15 ceased 144:25 center 91:19,20 105:16 106:6 106:22 107:4,9 107:18,23 centimeters 52:8,10 112:7 central 122:6 centrifugal 114:5,8,9 ceo 134:3 certain 150:6 certification 136:22 certified 160:4 certify 159:22 chain 55:6 85:23 101:12 101:13 192:19 192:23,25,25 193:8,11,13,18 chance 199:8 change 55:18 91:25 92:3,4,8	97:3,7,10,12,13 99:23,25 100:4 100:5 104:1 105:23 106:1,1 106:16,21 107:4,6,8 109:23 111:19 113:6,10,16,19 113:20,21 115:20 116:4 116:15 144:21 145:5,13 199:7 changed 27:12 49:5 60:13,19 106:9,11 107:2 107:14 145:21 147:18,21 150:5,7 changing 60:13 60:20 68:9 characteristics 18:17 20:5 charge 147:25 148:7 cheap 178:12 cheaper 54:6 cheapest 59:20 check 42:4 115:2,4 127:13 199:13 207:19 checked 67:6 103:14 119:12 127:12 128:10 171:1	china 28:6,8 184:7,8,11,13 185:7,13 choice 208:10 209:15 circle 86:9 circumvented 46:8,13 city 135:16 claimed 134:14 clarification 157:7,9 158:9 175:23 clarify 25:12 51:13 66:13 71:11 168:2 clarity 69:17 109:2 clayton 2:8 clean 36:13 112:20 179:2 cleaner 177:2 cleaning 178:24 clear 8:10 10:6 75:22 153:5 156:12 160:15 191:21 203:4 209:11 clearing 177:3 clearly 123:13 153:18 client 123:22 123:23 126:14 126:20 128:2
--	---	--	---

128:18 129:4 131:23 132:9 201:17 clients 22:21 23:1 climb 115:23 close 44:3 153:20 211:14 closed 41:18 42:15 44:14 85:7 188:23 clutch 51:9,10 89:14 cockpit 115:9 colleague 125:18 collected 156:18 202:16 college 135:22 135:24 136:1 color 64:8 colored 119:3 combination 29:15 35:23 89:14 come 23:22 72:7,8 73:10 117:18 118:22 137:25 152:3 206:18 comes 36:23 93:2 107:13 156:21 coming 8:1 88:25 134:5	208:16 comma 29:10 comments 210:2 commercial 140:5 commission 212:25 common 14:1 compact 18:8 company 12:25 17:6 20:8 21:13,14 31:21 33:22,23 34:20 34:21 37:17 57:8 71:19 74:16 78:12 82:10 117:11 118:4,19 120:23 137:12 137:20 138:1 147:2 152:7 153:1 compensated 151:20 competi 13:19 competing 13:6 13:8,11,17 competition 165:15 competitor 13:20 complete 27:22 27:23 52:17 98:19 110:8	193:6 completely 98:13 115:16 145:2 146:10 component 39:3 82:14 components 38:11 49:15 55:10 87:10,16 87:22 88:8 90:14 103:21 106:6 111:9 113:2 composition 155:19 computer 17:8 29:19 35:7 77:8 80:6 146:16 172:10 173:19 174:1 212:14 computers 77:10 concern 77:7 concerned 147:14 conclude 207:6 concludes 206:6 207:1 211:11 conducted 5:3 confirm 22:2 24:12,12 28:18 confusing 195:13 197:19	198:24 202:23 210:20 conical 82:17 82:18,21 connect 39:18 102:24,24 103:3,11 connected 40:6 40:16 50:25 51:3,4 59:18 59:22 81:11,23 81:25 88:21 90:22 91:5 99:19,21 103:5 103:11 193:2 connecting 81:24 85:9,10 90:7 95:10,12 103:2,8 104:4 connection 5:5 46:7 51:8 89:9 92:17,19 98:21 102:23 122:24 128:16 connector 104:5 connects 95:6 consider 28:2 137:6 considered 179:4 consulting 130:3,14,19 contact 74:21 100:23
--	--	--	---

containers	60:18,25 61:15	111:2,8 112:1	151:18 152:5
154:17 180:2	62:16 63:12	112:12,25	152:15 153:12
content 10:12	64:1,12,18	113:8,16,24	154:7,11,20
contents 38:3,6	65:16 66:4	114:5,11	155:9,15,22
126:22 128:20	67:3,17 68:1,7	115:21 116:9	156:23 158:21
129:8 131:25	68:17,21 69:9	118:24 120:14	159:15 160:3
continue 5:8	69:21 71:4	120:22 121:9	160:12 161:17
73:21 201:14	72:15 73:25	121:19 122:18	162:11,20
continued	74:13 76:7	122:22 123:5	163:9,15,20
145:3	77:24 78:8	123:11 124:15	164:14,19,24
continuing	79:1,14 80:2,7	125:4,23 126:9	165:3,9,17,24
7:20 12:7	80:13 81:13,19	126:12,17	166:9,16,23
13:16 14:9,19	82:2,8,20	127:1,15,19	167:3,10,23
14:24 15:8,19	83:11,22 84:3	128:15,24	168:2,17 169:3
16:10,22 17:2	84:12,19,25	129:13 130:9	169:11 170:4
17:7,14 18:16	85:4,14 86:1	130:18,23	170:14 171:19
18:25 19:8,13	86:16 87:6,10	131:12,20	172:16 173:8
20:4,19 21:3	87:16,21 88:17	132:5,15 133:9	174:3,8,21
21:18,24 22:17	89:17 90:4,13	133:23 134:4,9	175:1,8,13,18
22:25 23:11,18	91:2 92:2,9,14	134:18 135:3,7	176:6,21
24:7,17,24	92:23 93:11,17	135:12,16,22	177:12,15,22
25:15 26:10	93:23 94:11,21	136:7,19 137:6	178:4,8 179:3
27:17 29:3,12	94:25 95:16	138:7,14,19	179:10,19
30:5,14 31:1,9	96:4,15 97:4	139:4,8,13	180:6 182:7,21
31:19 32:18	97:16,23 98:1	140:2,15 141:2	182:25 183:12
33:7 34:9,18	98:14,24 99:6	141:11,15,20	183:16,21
36:16 37:3,8	99:18,23	142:1,18	184:19 185:16
40:13,25 41:24	100:19 101:18	143:11,18	187:12,17,25
43:10,22 45:18	101:24 102:9	144:1,8,20	188:6,12,17
46:11,22 48:1	102:12 103:18	145:5,20,25	189:16 190:7
49:14 50:11,22	104:3,17 105:6	146:4,13 147:6	190:11,18,25
51:13 52:13	106:4,21 107:8	147:16,23	191:6,18
56:4,8 57:2,17	107:15,22	148:6,15	192:13,20
57:24 58:18	108:4 109:13	149:18 150:10	193:13,21
59:5,23 60:12	109:20 110:13	150:21 151:5	194:13 195:7

195:19 197:4 198:3 199:20 200:11,22 201:10,23 202:2,9,19 203:6,12 210:23 control 28:2,8 44:8 183:22 184:1,7,23 185:6,7,10,14 185:17 186:1 186:16 controlled 37:18 controlling 44:11 186:14 conversation 7:18 126:22 conversations 124:2 132:1 201:19,21 conviction 131:18 cooler 27:8,9 36:1 cooling 27:11 copies 4:13,13 20:10 copy 168:20 corner 28:24 176:23 correct 44:22 54:20 66:15 78:23 129:13	143:4 144:11 144:12,13 152:8 155:24 160:19 161:16 161:20,21 162:22,23 163:10 165:5 168:14 169:5,8 173:14 174:10 174:11,13,15 174:16 175:11 175:20,21 177:22 179:20 179:22 184:2,3 184:13 188:8 190:1,2,14,15 191:23,24 192:25 194:14 194:15 195:11 195:20,21,25 196:7 200:14 correctly 18:4 45:16 129:15 151:22 154:23 162:17 counsel 5:11,25 77:12 counterweights 50:9 106:13,15 106:18,19,24 county 212:2,7 212:24 couple 24:8 80:14 86:16 89:17 108:6,24	108:25 143:15 204:3 207:21 coupling 51:9,9 course 15:24 23:10 63:22,25 64:24 71:14 75:9 86:8 107:14 111:7 112:11 113:7 119:14 146:3 154:3 179:12 197:20 200:6 203:2 court 1:1 5:14 5:18 6:8 15:25 16:3,8 29:23 79:22 123:1 181:5 203:20 208:24 courtesy 209:6 courtroom 8:6 covered 141:18 142:1 153:2,8 179:21 180:1,3 created 16:14 16:23 23:19 31:4 34:9 163:1,5 167:14 169:4 creates 109:21 creating 34:2 47:19 151:6 creators 30:6 critical 197:1	crown 82:24 83:1,7 curious 140:2 current 134:1 currently 12:25 135:12 curve 85:20,22 86:7,9 116:17 curved 92:24 94:22 customer 11:15 47:15 56:18 62:11 63:14,22 63:25 65:11,18 108:11 164:15 164:22 175:17 177:25 178:25 178:25 customers 11:10,11,12 12:3,9 15:4,6 21:15,15 23:2 23:3 30:22 31:2,5,11,16 34:5,11,14 37:13 46:17 47:22 48:3 52:21 57:13,19 63:18,25 64:13 71:15 72:22 96:23 152:7 178:1,15 187:15 211:2 cut 91:14 94:18 112:17 195:1
--	--	--	---

195:15 cuts 91:14 cutter 39:15,17 91:13 94:16,17 102:25 112:17 115:15 177:5 189:6,7 cutting 32:5 195:9 cv 1:7 5:16 cylinder 53:18 88:1,5 97:10 97:14 103:24 104:9 105:7 113:20 cylinders 40:4 54:1 97:12 113:7,20	65:2,6,16,17 132:16,17,19 132:24 168:20 190:20,25 191:2,4,6,9 210:22 dated 212:19 dates 22:16 132:11 dave 2:16 5:17 174:7 194:4 day 1:13 94:7 140:11,11 147:5 150:2 191:13 204:1 207:25 208:1 212:4,19 dead 161:3 dealer 123:18 159:4 decide 208:8 deck 40:9 declaration 3:22 4:9 9:17 9:17,21 10:7 10:10,13 12:23 24:8,10 28:16 29:1,7 124:5 124:17,19 125:5,10,13 128:12 129:11 132:22 142:25 143:3,12 144:9 144:11 148:16 151:19 152:6	156:2 160:7 161:18,20 163:10 164:25 166:24 167:11 170:2,16,18 174:9 176:24 201:12 204:25 205:12 206:10 deep 25:25 118:20 197:20 197:23,24 198:1,1 deeper 50:1,1,2 61:23 196:10 deepl 143:22,23 143:24 144:1,2 144:5,8 157:23 158:8,8 181:20 181:21 defendant 1:9 2:14 128:25 187:3 defendant's 3:21 4:7 9:5 25:13 28:10 32:21 44:25 46:23 56:9 61:16 74:6,8 77:25 120:1,16 120:18 142:22 161:19 186:25 189:17,17 194:16 199:24 205:14	definite 166:3 definitely 163:24 166:19 degree 136:8 137:7 degrees 40:3 97:15 100:9,12 delivered 46:17 184:8 delivery 203:3 demonstrate 72:16 202:17 demonstration 23:3 demonstrations 11:13 15:3 21:12,12,14 71:14,16,17,24 72:3,4,21,24 123:16 151:2,4 187:16 demos 151:4 department 144:19 145:12 145:13 depending 157:18 depends 5:4 depict 121:14 depictions 53:3 depicts 14:11 deposed 7:23 deposes 6:15 deposition 1:12 4:7 5:3,11 6:25
d			
d 16:5 29:25 43:3 143:25 144:3 dakota 212:2,7 212:24 damage 100:21 101:17 196:17 196:22 damaged 197:7 dangerous 185:22 186:13 186:15 dash 70:2 data 146:10 date 14:10,12 22:5 64:25			

7:1,3,5,24 8:2,9 24:22 32:16 46:20 56:6 61:13 62:15 73:3 119:22 122:9,23 123:21 126:18 127:5,16,22 128:16 159:13 188:18 203:13 203:14 207:2 207:22,24 208:8,9,20 209:5,9,16 210:4 211:12 211:13 212:3 212:15 der 115:17 describe 16:12 18:17 19:15 20:5 38:10,16 38:20 41:15 42:1,3,6,8,11 48:14 54:25 55:10 59:1 66:18 71:23 78:25 80:23 91:16 93:11 95:16 102:3,22 102:23 103:21 119:16 described 65:12,14 70:8 describes 20:8 61:25 65:24	70:12,13 description 65:21 descriptions 52:24,25 53:3 design 10:24 106:5 139:6 148:18,21,24 148:25 149:1,3 149:6,10,14,17 200:7,8,8 designated 159:24 199:24 designed 139:4 designer 138:10,23 designing 106:4 138:8,15 138:20 details 168:19 deutschland 135:14 develop 20:21 developing 177:9 development 10:24 148:18 149:19,20 150:9 176:25 device 36:12 188:25 197:5 devices 150:13 185:15 diagram 4:1 49:13,13 53:23	58:11,25 diagrams 57:18 147:3 dialect 205:2 diameter 66:6 66:14 112:6 dictionary 157:18,20 181:1 diesel 78:21 87:7,9,9 difference 25:10 differences 25:16 different 6:24 7:5 27:11 28:25 29:10 42:22 48:24 49:19 59:11 68:14,18,24 86:18 99:7 103:21 134:8 138:1 142:17 147:7,24 149:22 179:1 179:17 186:21 209:9 differently 149:12 difficult 205:4 digits 162:1 174:12,14 dimensions 70:6,11	direct 89:9,14 92:19 directed 155:10 direction 51:8 97:16,20 111:19 113:1,4 212:14 directions 104:10 directly 51:3,3 89:15,16 100:20 104:9 200:8 dirty 36:9 discuss 180:23 201:10,19,20 201:24 discussed 41:10 124:12 127:8 128:7 discusses 188:20 discussion 128:5 129:8 160:17 discussions 128:21 displayed 78:19,20 122:13 disputed 15:5 distinguish 153:21 distribute 21:19
--	---	--	--

distributed 15:7 19:2 21:4 22:20 23:6 140:25 154:17 171:8,20 172:18	46:19 47:1,6,7 47:9,12,12 48:14 49:21 52:15 54:24 56:5,13,14 57:3,4,7 58:3 58:13,19,21 61:17,21 62:5 62:24,25 63:3 63:5,8,24 64:25 65:17,21 66:4 67:20 69:6,23 74:24 78:5 122:18 132:18 159:17 159:19,24 187:7,9,13,19 187:20 188:1,7 188:10,13 190:3,8,13,19 191:10 200:1 205:17,22	doda 69:12,24 70:2,8,10,12,14 doing 36:6 37:9 45:21 78:24 79:5 127:4 144:19 185:5 door 35:1 double 197:2,8 197:9 doves 139:19 dozen 140:10 drafting 201:11 draw 137:13 drawing 40:15 49:11 149:10 149:11 drawings 13:3 32:1 147:2 148:24 149:2,5 149:7,16 194:24 dream 185:8 dredge 20:2 39:16,18,20,22 41:7 50:16 60:9,19,20 61:4,9 69:9,10 69:13 70:2,16 70:18,20 78:16 90:2,19,22,23 109:11 dredges 177:6 dredging 113:25	drive 19:24 20:1 26:21,24 55:7 66:1 67:21 68:2,23 71:23 72:2,10 82:9 84:1,10 85:20,21,22,25 86:7,9,12,13 91:3,5 92:12 97:17 102:8 108:14,15,16 108:19 111:11 114:25 116:11 116:12,16,22 116:25 117:2,3 119:6 141:18 174:21 175:5 193:7,19,19,22 196:19 driven 59:15 65:25 68:13,18 68:22,25 84:8 84:10,18 87:19 88:12 89:7 91:8 111:6 114:23 142:3 175:1 193:2 driver 19:24 26:18 33:3 195:4 driver's 194:20 drives 18:7 92:9 105:14 156:17 192:18
---	---	---	--

driving 85:24 108:12,18 114:22 120:25 121:20 140:11 drove 175:9,11 175:14 182:19 duct 162:7 duly 6:14 212:10 dung 182:2,2,3 182:4,4,5,8,11 182:12,23 durable 150:8 dx 26:13 28:25 187:1 210:8	184:16 185:1 187:3 188:18 188:24 189:18 190:17 193:17 195:24 196:9 200:4,12,17 210:24 early 172:19 earn 72:23 128:22 easier 48:4 50:10 150:14 174:17 eastern 1:3 5:15 207:16 easy 52:20 56:21 211:8 eccentric 114:4 eckhard 121:22 156:17 157:25 158:3 160:11 effect 8:6 efforts 11:1 150:24 eisenach 21:10 22:3,10 either 190:14 209:1 electric 43:24 43:24,25 44:3 88:16 electrical 46:9 88:13,13 electronic 38:8 145:21,25	146:5,9,14 email 6:21,24 emails 151:3 empirical 201:1 202:15,19 employed 10:15,17,19,21 employee 33:4 employees 145:2 ems 118:17,18 engine 27:14 36:2 49:7,16 49:17,18 50:3 50:11,25 51:3 51:4,15,19,25 52:2 55:4 87:3 87:4,6,9,11,13 87:20 88:8,18 89:4,6,10,12 106:12 115:22 116:5 engineer 29:16 136:2 engineer's 29:24 engineering 136:1,8,18 137:7 engines 87:5 english 6:12,12 9:19,23 10:1,3 10:4,5 70:4 124:6,17 125:1 125:7,17,21	143:6,9,19 144:9 156:7 159:23 160:5 182:1 183:4 192:5 204:16 204:19,21,22 204:23 205:16 enjoy 36:6,8 enter 180:4 entered 97:24 entire 24:13 76:2 entities 178:15 entrance 96:9 equipment 140:7 149:2 equitably 6:18 7:10 especially 197:5 essentially 52:2 150:23 europe 6:25 184:9 209:9 evening 136:10 136:11 everybody 72:7 72:8,11 117:18 146:20 148:12 172:3,14 evidence 143:21 154:25 171:19,24,25 172:1,20 173:12 202:11
e			
e 16:5,5,6,7 30:1,3 126:7,7 126:7 135:18 135:18,18,19 135:19,19,20 135:20,20 143:25,25,25 144:3,3 181:8 181:14 earlier 16:11 19:14 68:7 89:19 110:15 143:21 149:23 153:12 154:25 162:21 165:13 169:7 173:16 175:22 176:16 178:4 179:19 179:23 183:22			

203:6 ex 33:23 114:2 168:3 exact 22:5,16 29:6 83:19 132:17,19,24 155:19 165:15 171:6 exactly 20:8 39:24 49:5 53:12 67:19 136:25 140:16 145:4 165:10 170:8 173:5 exam 135:24 examination 3:3 7:14 122:11 135:24 137:22 204:9 210:5 example 11:10 54:4 149:21 150:17 156:15 157:19 172:17 178:2 195:14 196:25 excavating 177:6 excavator 40:5 44:6 105:1 exchanges 6:22 6:24 excited 15:23 excrement 176:7 177:10	177:17 178:9 179:5 180:10 182:22 excuse 153:13 153:24 156:24 158:4 168:3 exhibit 3:22,23 3:24,25 4:1,2,3 4:4,7,9 9:5,5 11:24 12:12,19 12:20 14:9 16:11,12,13,23 17:10 19:14,15 20:4,11 21:3 21:20 22:20 23:6,12,19 24:22 25:13 28:10,16,25 29:6 32:14,16 32:21,22 44:24 46:20,23 55:16 56:6,9,12 61:12,13,16 69:14 73:2,3 74:6,8,10,14 75:16,16,23,24 76:2,6 77:6,7 77:13,17,25 80:16 119:16 119:21,22 120:1,1,3,15,16 120:19 122:9 122:13 142:22 144:12,12,12 153:25 155:25	156:2 159:13 159:16 161:20 161:22 162:12 162:20 163:3,9 164:25 166:24 167:4,14 169:12 171:8 172:18 173:13 174:4,8 176:23 186:22,25 189:17 190:21 191:19 194:17 199:24 204:6 205:14 210:7 exhibitions 15:7 exhibits 3:21 4:6,12 75:24 144:11,14 exist 144:25 existing 149:3 149:14 exit 101:11 expect 6:19 expenses 128:16 129:1 experience 32:1 61:2 118:5 137:24 138:8 138:14,19,24 139:3,8 176:25 197:11 experiment 46:12	experiments 45:21 expires 212:25 explain 25:2,15 35:10 39:25 43:14,21 56:13 56:18 60:3 82:2,13 91:5 115:7 116:9,20 124:11 127:7 129:5 131:5,8 133:15 134:4,9 136:14 137:11 141:3 180:19 206:9 211:2 explained 45:24 112:16 121:5 134:12 134:16 149:23 explaining 157:3 211:7 explains 62:1 160:25 express 43:20 extend 40:23 97:17 extended 40:21 extending 209:6 extensive 124:8 extent 126:21 extra 26:9 146:18
--	--	---	--

f	farmer 139:14 141:14	fetal 160:24	first 6:14 7:25
face 36:24	farmers 139:18	field 140:24	9:4 10:15
facilities 144:22	142:11 183:9	fields 140:23	11:15 16:7
fact 172:2,13	183:13	154:18	18:6,12 19:23
factory 11:13	farming 139:16	fifth 2:12	22:6,7 25:9
23:4,4,5,5	farmstar 1:8	figure 55:9	26:12 27:6,22
36:12 47:13	5:13 6:4	figured 199:9	29:24 33:5
54:11 62:23	122:25 128:25	file 73:8 168:5	35:14,25 36:12
71:13 74:20,21	134:23 135:8	filed 5:14	38:7 40:6,16
76:11 105:15	fast 67:20,24	122:24 134:13	40:17 42:10,11
109:10 118:10	68:23 69:3	files 34:23	42:14,20 48:18
187:9	83:23	145:21 146:5	49:23 53:5
facts 143:20	faster 85:24	fill 42:22 99:3	63:6,15 65:10
154:25	86:6,8 150:15	filled 66:11	65:13 67:23
fair 8:24	father 117:25	filter 78:22	70:2 74:15,17
fairly 37:12	featured 12:3,8	finally 74:6	76:13,13 78:10
fairs 151:2	february 10:20	164:8	78:11 81:3
fall 108:17	fecal 153:18,19	financially 5:21	108:15,24
189:2,4,7,9	153:22,23	find 42:5 47:15	109:16 112:16
familiar 9:24	161:4	54:5 170:3,13	115:2 118:11
27:25 28:11	feces 36:19	192:22	119:11,12
76:10,14	37:4 153:15	finding 69:19	128:12 133:9
125:20 140:7	feel 8:11,25	fine 9:1 52:23	133:12,23
140:12 141:3	110:11 201:18	53:20 79:2	137:3 143:3
family 125:19	feeling 108:13	191:20,21	149:10,12,23
far 23:5 96:14	108:16,17	206:14 209:12	156:13,15
100:2,15,17	186:5,10,19	finished 20:20	157:25 158:2,2
105:24 117:12	feet 95:13,13	22:7 33:18	160:22 166:2
119:2,2 125:12	95:14,15	71:15 73:19	166:18 171:13
147:14 149:6	198:17,23	74:18 136:24	174:10 190:24
155:18 160:24	felix 133:13,24	137:1 149:4,15	191:3,7,14
165:15 188:5	133:25 163:17	fire 100:21	196:13 204:25
farm 154:17	163:20 164:9	firm 2:3,7,11	204:25 210:10
	168:12,13	6:6	212:9

five 23:4 71:6 73:9 77:3,16 120:5 141:13 158:5,13 174:6 177:15 207:6 fix 37:19 45:8 51:25 83:9 104:8 fixed 106:2 flange 39:21,23 41:3 flat 40:8,14 flights 129:20 129:24 float 25:22 66:21 67:11 102:9,10,13,14 floatation 109:23 floated 67:4 floating 112:13 153:19 floats 67:8 161:7 floor 159:1 198:5 flotation 109:14 flow 44:8,15,17 115:13,14 118:20 flows 95:17 fluid 18:10 44:9,14,17 45:4 70:24	71:1,2 93:6 97:24 98:3 112:5,7,8,10,10 112:11 138:20 139:5 162:8,10 180:22 foaming 42:23 43:1 focus 182:22 folded 40:14,17 folder 146:18 146:19,19 follow 72:11 161:16 207:20 following 53:1 145:6 146:14 follows 6:15 force 8:5 105:4 forgive 175:19 form 10:22 85:18 87:2,8 87:12,18 88:11 88:23 90:1,15 91:18 92:5,11 92:16 93:1,13 94:4,14,24 95:9,18 96:8 96:17 97:9,19 97:25 98:11,16 99:15,20 100:18 101:23 102:6,11 103:4 103:23 104:6 105:18 106:7 107:7,10,19	108:1 109:7,15 110:1,21 111:4 111:23 112:3 112:14 113:5 113:12,18 114:1 119:19 121:16 122:20 124:21 125:8 126:1 128:17 130:4 132:10 134:2 135:13 138:13,17,22 139:11 140:18 143:7,13 145:8 145:23 146:2,8 146:23 147:9 147:19 148:9 148:22 151:8 152:24 153:16 153:22 155:1 160:8 161:12 163:6 164:17 165:6,13 167:20 168:21 169:7 170:1 171:22 172:23 173:16 175:15 177:18 178:10 179:7,24 187:8 187:14 188:4,9 189:13 190:4 191:5,11 192:3 193:17 195:13 197:19 198:25 200:10 201:13	202:13,23 203:9,22 210:21 forming 42:21 forward 86:11 108:17 116:12 198:19 forwards 52:11 foundation 12:5 13:14 14:2,16,22 16:24 17:5,12 18:22 19:4 20:12 21:1,5 21:22 22:23 23:8,13 27:3 30:10,24 31:6 31:13 34:6,15 39:12 40:11,19 47:24 50:20 55:14 57:16,23 58:16 60:23 62:14 63:9,19 64:4,14 67:22 68:4 70:22 75:10 79:12 80:1,4,10 81:2 81:18,22 83:16 84:7 85:3 106:8 109:8 112:4 147:10 147:20 155:13 161:13 187:22 four 59:23,25 71:6 81:23
---	---	--	---

95:13,13,14,14 95:15 96:9,9 112:7 136:11 162:1 174:12 174:14 frankly 135:2 153:2 free 8:11 201:19 208:7 french 153:13 frisco 2:4 frog 156:14 159:25 front 8:6 14:7 20:2 39:7,8 45:8 49:25 50:2,6 59:15 61:10 78:1,15 82:6,19 85:11 90:9 99:17 100:15 101:6 103:1 104:25 105:24,25 107:22 124:16 131:7 159:1 162:8 189:6 195:19,22 196:3,7,12 197:4,5,9,22 202:12 full 7:21 35:12 109:17,17 110:6 135:4 funck 11:17 33:3 35:11,14	35:18,23 36:24 63:16 65:11 72:20 105:14 108:2,12 109:10 114:21 117:21 121:7 121:22,23 154:4 156:17 157:25 175:16 function 43:8 189:3 functionality 18:18 funnel 45:15,16 45:16 funny 36:21 37:2 186:11,12 further 121:24 206:4 211:9	generally 27:1 38:19 55:9 generate 11:5 generator 43:3 43:8 gentlemen 30:6 30:14 47:18 79:9,15 german 6:11,12 7:18 9:18,22 62:1 65:20,25 69:19 104:21 115:25 124:5 124:17,19,22 125:5,7,12,14 125:16,19 126:9 143:4,19 144:9 153:14 156:23 159:22 160:5 180:7,9 181:12 205:20 germany 8:13 21:10 22:3,10 28:6 42:17 44:6,7 53:16 71:20,21 124:23 125:2 135:15,21 136:15 137:3 184:2,9 185:17 185:19 188:25 189:9 206:15 gesste 135:18 getting 46:18 142:9	gewassertech... 10:22 give 8:23 15:4 31:15 47:16 54:13 57:18 67:15 85:19,21 86:1 122:1,23 128:3 171:5 183:18 188:7 188:10 207:19 207:21 209:4 given 23:1 188:13 190:13 210:3 212:15 gives 35:23 41:19 43:4,6 81:5 87:24 88:3,4 95:25 96:1 giving 199:12 gmbh 152:8,11 164:12 go 5:9 8:10 21:8 23:23 36:25 40:23 41:1,5,6 55:22 75:15,16 78:24 79:1 85:4 86:17 95:4 100:13 105:24 105:25 109:17 109:18 111:16 111:16 120:6 120:18 121:25 123:2,16,17,19
	g g 135:18,19,20 gate 42:14,15 42:17 43:11,13 44:8,14,17,20 45:25 46:4 166:5 188:23 gathered 202:20 gear 67:23,24 67:25 192:6,8 192:10,13,18 193:1 gears 67:23 general 7:9 128:3		

123:19 126:1 128:19 130:6 130:20 131:24 135:22 136:7 137:21 147:13 149:24 150:1 158:11 161:17 162:1 167:10 181:19,19 190:18,21,23 196:15 199:3 206:10 207:4 goal 178:24 179:14 god 181:18 goes 17:16 31:24 32:2,3 35:6,8 43:25 48:9,12 58:23 80:11 86:11,12 87:25 89:15,15 91:9 93:3 94:18 96:13 98:3 107:12 110:7,9,24 111:15 149:9 161:3 193:10 going 5:1 10:12 24:2 41:24 44:24,25 55:15 55:23 56:5 61:11 73:11 76:18 77:19 80:13 86:17 88:15 89:18	99:6 102:18 105:9 108:4 114:14 120:7 120:18 122:7 129:23 134:16 142:19 158:15 159:15 178:14 199:14,20 207:18 209:21 good 5:1 7:16 7:20,22 8:25 9:2 23:23 36:15 37:1 55:21 73:8 74:21 75:20 108:13 119:4 168:8 172:24 184:8 186:5,19 186:19 209:17 google 143:16 143:18 157:10 157:12,13,22 googling 157:7 gould 2:11 126:10 127:21 128:24 129:14 129:24 130:2 130:14,19 131:21 187:13 187:21 188:2,7 188:13 190:3,8 190:14 201:11 201:24 202:8 grandfathers 139:17	gravity 105:16 106:6,22 107:5 107:9,14,18,20 107:24 108:3 greasing 85:13 great 23:21 74:5 green 64:10 118:24 ground 41:8 84:9 95:22,23 97:21 98:18 109:18 110:3,5 110:11 166:17 192:16,17,24 193:1 group 179:16 guess 48:23 58:2 71:11 95:5 97:5 100:15 101:25 106:6 108:23 109:2 155:17 156:11 guy 37:2 115:2 118:1 186:4 204:11 guy's 110:23 guys 13:3 37:16 37:19,21 49:1 72:13 118:21 120:5 186:11 209:4 211:7	h h 16:4,5 181:8 181:14 hair 26:20 half 6:20 52:7 52:10 132:23 150:21 hand 28:24,24 40:21 116:19 176:23 210:10 handle 50:10 116:17 happen 117:1 happened 31:22 35:4 happens 108:15 131:9 happy 15:24 131:3,11 138:4 179:13 205:4 harassment 125:9 130:4 131:14 152:1 hard 16:18 94:6,9 205:1 haren 23:4 71:19 harness 2:3,7 6:6 harvesters 177:4,5 hca 1:7 5:16 head 8:20 heading 58:3 156:14
--	---	--	---

healthy 8:25 hear 200:14 205:5 heard 5:6 11:14 134:19,23 heavy 106:18 106:19,23 hebel 115:17 116:2 hello 56:4 help 125:17 141:3 144:18 205:20 helped 12:1 125:22 helpful 141:3 hereto 212:17 hey 6:16 high 83:20 210:24 higher 46:15 hit 196:3,6,6,21 208:3 hmm 35:13 hna 159:25 hold 207:3 hole 82:25 83:1 83:2,4,8 101:4 101:6,9,15 holes 85:6 103:6,7 home 123:19 123:19 139:21 141:12,23 142:2,15	honest 159:2 hook 196:5 hope 7:9 horizontal 113:1,23 horsepowers 87:3 hose 100:11 hosing 94:5 hotel 129:6,14 129:16 hour 67:24,25 69:1,4 83:18 83:21 84:5 128:9,13 149:25 150:1 hours 6:20 122:4 158:2 174:6 182:13 207:15,25 208:1,2,3 housing 94:10 94:12 95:11 98:7,8,22 huge 142:10 human 153:15 153:22 155:10 155:15 161:11 161:15 hundred 167:9 173:22 hydraulic 4:1 27:14,15 38:8 42:11 43:12 44:1,2,9,9,14	44:15,17,18 49:8 50:15,18 50:21,24 51:15 56:14,16,22,25 58:4,6,7,24 59:6,14,17,18 59:22,24 60:2 60:4,5,8,21 61:3,4 65:25 68:8,10 69:8 78:14 81:4,6 81:11,14,19,23 82:1,3 84:4,8,8 84:11,13,16,17 84:18 85:7,9 85:12,13,14 86:3 87:13,14 87:17,19,21,24 87:25 88:2,3,4 88:8,12,13,15 88:16,17,19,21 88:24 89:1,13 89:16 90:5,7 90:17,21 91:6 91:8,21,25 92:6,7,7,17,20 95:19 98:20,21 100:10 104:18 104:18 105:6 113:19,20 139:2,3,5 188:20 193:2 210:25 211:1,3 211:8	hydraulics 59:1 87:14 137:18 137:24 149:21 i idea 28:4 37:3 160:23,23 167:24 168:25 185:5 ideal 201:5 ideas 138:2 identification 24:23 32:17 46:21 56:7 61:14 73:4 119:23 122:10 159:14 identify 90:13 ii 69:25 70:1 image 160:22 168:4,14 impact 109:14 impeller 90:23 91:11,12,16,23 92:10,15,18,21 92:22 93:12,14 93:20 94:15,15 95:20,21 114:7 implement 39:21,23 41:3 54:20 198:22 important 8:17 136:4 137:18 137:19 151:3 180:21
---	---	--	---

improve 106:6	47:12,13,21	inspect 153:20	20:16 21:8
improved	57:6,12,18	installed 203:1	22:15 23:16
149:3,7,13,15	123:24 126:14	instant 46:14	24:1,16,20
149:21	128:2,18 129:4	instruct 126:14	25:23 29:8,25
inch 95:14,14	131:23 132:9	instruments	30:3 33:4
95:14,15 96:9	151:15 201:17	78:18,19	36:10,19 37:6
96:10	informations	insufficient	40:20 41:21
include 30:8	31:16 35:8	161:13	42:25 43:16,19
70:18	infringement	intend 7:7	45:14 46:8,13
included 28:15	122:24	intent 7:9	49:10 50:5
29:6 44:20	initially 146:11	interest 11:5	51:5 52:9
48:25 58:14	injector 93:8	interested 5:21	56:22 66:2
62:9 65:23	95:12 96:11	12:17 21:15	67:14 69:25
67:17 103:19	111:15	72:24 155:21	70:3,5,7 75:19
includes 64:25	input 84:20	212:18	77:9 78:19,23
including 52:17	85:15	interesting	79:20 82:17,24
98:20,20	inserted 51:6	139:23	83:25 86:13
171:10	83:2 89:4,6	internet 5:5	88:25 89:3,6
index 3:1	168:16	18:24 121:13	89:11 90:10
indicated 49:12	inside 10:6	164:2 169:10	93:19 96:12,22
indications	27:7,14,15,15	169:13,16,21	101:12 103:16
153:22	28:1 41:19	169:23,24	103:25 104:15
individual 35:9	42:23 56:20,21	170:3,12,15,18	104:21 105:3
208:13,15	66:9 67:5	170:21,23	111:24 113:13
individuals	70:10 71:2	171:4,5,6,24	114:4,9 115:18
47:11	81:3 88:14,16	172:3 173:2,4	116:2 118:16
industries 1:5	90:20,24 91:3	173:7,14,21	121:2,4 122:15
5:13 6:7	91:12,13 94:11	183:15	122:21 123:4
122:25 134:20	94:13 100:11	interpret 6:11	124:8,22 125:3
134:25 135:5	106:12,20	interpreter 6:9	125:22,25
information	108:14 110:7	7:17 8:12 14:4	126:4,7,11,23
30:8,11,12,21	114:7 185:20	15:5,17 16:4,7	127:3,18 130:8
31:2,4,10,17	186:10 195:17	16:17 17:13,18	130:15 131:1
33:20,24 34:4	199:2,5 211:3	17:23,25 18:4	131:16 132:2
34:10 38:14	211:7	18:5,6 19:6,16	133:19,21

134:12 135:2,6 135:11,15,17 135:20,23 136:13,25 137:10 138:9 138:23 139:6 139:12,16,22 140:9,19 141:6 141:9,12,17,23 142:6,8 143:8 143:14,24 144:3,6,16,23 145:9 146:3,9 146:16,25 147:11,21 148:4,10 149:1 149:20 150:5 150:13,25 151:9,14 152:2 152:14,25 153:17 154:3,9 154:14 155:2 155:14,17 156:6,10,13,25 157:6,12 158:8 160:2 161:14 162:9 163:7,11 163:16,24 164:18,22 165:2,7,14,20 166:2,14,18 167:1,6,21,25 168:15,22 169:8 170:10 171:14,23	172:8,24 173:17 174:17 175:3,10,16,23 175:24 176:4,8 176:14,18 177:19,23 178:5,11 179:8 179:12,25 180:8,11,13,17 180:20,24 181:6,14,18,24 182:4,15,23 183:6,14,18 185:3,11 188:5 188:10 190:23 191:2,12,17 192:6,10,18 193:9,18,25 195:2,14 196:19,24 199:3 200:19 201:1,15 202:7 202:15,24 203:11,16 interpreting 18:5 introduce 32:13 73:2 138:2 159:16 introduced 142:22 187:3 189:18 210:8 invented 134:14	invite 11:12 15:3 71:15 72:21 invited 21:15 23:2 invoice 61:22 involved 10:23 10:25 29:17 30:15 34:2 47:18 57:10 130:1 145:16 145:17,18 148:17 149:6 149:13 150:23 153:10 involvement 134:18,22 151:20 iowa 1:2 5:15 123:2 ip 2:3,7 6:6 ipr 3:23 iprs 7:1 irrelevant 125:10 131:15 203:17 issue 168:22 171:14 item 198:12,12 j j 181:8,14 jacket 118:9 jauche 181:8 181:14,22,24 181:25,25	182:1,23 jauchen 180:25 180:25 181:2 job 62:20,20 64:2 121:6 137:3,17 152:3 154:5 156:16 160:10 johanna 159:25 joins 62:15 journeyman 136:16 joy 115:15 joysticks 43:5,5 43:7 44:12 115:10,12 189:15 judge 8:6 june 21:10 22:13 133:1,1 133:4 jury 8:7 k k 126:7 133:20 133:22 kaschik 159:25 keep 19:17 keeps 209:8 kella 2:7 62:15 207:24 208:6 208:13,17,17 208:22,25 209:12 kella's 210:2
--	---	--	---

kept 23:12 80:3 145:6 146:1,5 154:4	59:1 60:2 61:25 62:4 63:7,15 64:6	191:15 197:25 197:25 198:7 211:4,6	57:2,6 58:2,18 58:21 59:5 60:25 61:2
kill 189:5,8	65:12 70:17	kings 45:6 71:5	63:5,22 64:18
kilometers 23:5	71:9,12,25	87:5 117:14	65:22 67:3
67:24,25 69:1	72:16,23 74:15	184:10,23	69:14 71:4
69:4 83:18,21	78:10 79:19	185:13,14	72:9 74:21,23
84:1,4 119:6	81:14 90:3	186:1 197:9	75:1,3 77:1,10
149:24 150:1	99:16,22 102:8	klarschlumm	79:6 80:2,7
kind 36:16 39:3	102:15 103:19	121:1,3 175:19	82:8 83:19
46:8 64:8	105:13,14,15	175:21	90:20 92:24
92:23 95:5	106:25 108:3	klärteich	97:24 105:16
114:2 211:3	108:11,19	156:24	107:2 108:14
kinds 112:5	109:9 110:22	knoll 133:13,18	112:6 113:3
king 4:3 10:25	111:2,6,13,14	163:17,20	114:14 117:9
11:16,17 12:3	114:20,23,24	164:9 168:12	117:12,20
12:8,11,25	114:25 115:10	168:13	119:3,8,10
13:1,5,7,8,12	118:12 119:17	know 7:7,9 8:1	122:21 124:19
13:21,23,25	120:25 121:8	8:2,16,16,19	125:12,14
14:13 16:15,19	121:15 131:5	9:24,25 10:6	128:4,6,14
17:15 18:7,18	142:3 148:19	13:9,10 18:21	129:5,6,7,16,18
18:19 19:19,20	148:21 149:24	19:2 20:17	129:21,23
19:24 20:3,6,9	149:25 152:7	22:5,11 27:17	130:1,9,11,13
21:16 24:25	152:18,22	28:1 29:9,12	130:18,22,22
25:2 26:4,25	153:9 154:21	29:22 30:5,7	131:3,5,18
27:1,24 28:3	155:10 166:16	31:19,22 33:12	132:12,16,19
28:19 33:1,6,9	167:25 174:22	33:14,17,20,24	132:24,24
34:2,10 36:7	175:2,14 178:9	34:18 35:14	134:15 136:4
37:13 38:17,22	178:16 179:4	36:21 43:14,16	136:14,15
38:23 39:1,8	179:11 182:8	43:18,19,20,21	138:25,25
43:9 45:5,22	183:24 185:9	43:21 45:21	139:1,23
46:1 48:15	185:18,19,20	47:6,9,11 48:5	140:13,20,22
49:1 51:21,22	185:21,23,24	48:7,24 51:11	140:25 142:8
55:1,11 56:15	186:3,5,7	53:11,14,15,22	142:11,12
56:16 57:1,9	189:7,10,11	54:13 55:3,17	143:15 146:17

147:12,17 148:12 154:3,4 154:15 155:4 155:20 156:21 156:21 160:16 163:5,12,12,13 163:15,20 164:5,7,18 165:1,3,7,9,14 165:16,16,17 165:19,22 166:3,9,11 167:7,23 168:17,19 169:1,1,18,22 169:23 170:6,9 170:22 171:2,3 171:5,25,25 172:4,6,9,14,25 173:1,6,18,18 173:20 175:13 176:9,10,18 178:18,22 179:3 180:19 180:22 181:9 182:22 185:16 186:16 188:5 188:12 190:7 190:13 191:9 191:13 192:7,9 201:18 203:4 203:17,25 204:11 205:7 206:16,22 207:23 208:8	210:19,22 knowledge 201:1 202:16 202:20 204:12 known 54:12 212:3 koop 74:16 118:7 kubota 87:3,3 87:15,20 88:2 88:21	17:5,12 18:22 19:4 20:12 21:1,5,22 22:23 23:8,13 27:2 30:10,24 31:6,13 34:6 34:15 39:12 40:19 47:24 50:19 55:13 57:15,23 58:16 60:22 62:13 63:9,19 64:3 64:14 67:22 68:4 70:22 75:10 79:12,25 80:4,9 81:1,18 81:22 83:16 84:6 85:2 106:7 109:7 112:3 lady 159:1 lagoon 16:16 17:17 18:7 20:3 93:5 114:22 141:4,6 174:22 175:2,4 175:8,11,14 lagoons 11:18 142:2,10,15 152:19 153:11 178:21,21 179:1,5,14,16 179:21 180:1 lake 41:8	land 166:17,19 193:19 language 9:23 124:19 125:5 125:12,21 126:10 144:9 laptop 32:10 large 96:7 late 136:3 laudy 159:3 197:6 law 6:5 lawsuit 122:24 134:16 layer 197:2 leading 68:15 95:9 101:23 103:23 110:1 111:23 113:5 leak 85:12 leakage 42:24 learning 12:18 left 25:5,19 26:15 27:9,22 27:23 28:24 39:3 40:21 41:17 56:20 82:5 84:15 85:19,21,23 96:20 97:1 100:1,6 106:10 107:3,11,12,17 111:18 116:8,8 116:24 117:1 117:16,24
	I		
	I 29:25 126:7 133:19,19,20 133:20,22,22 143:25 144:4 label 28:23 29:4 86:20 89:22 102:19 115:5 labeled 26:12 28:10 32:19 41:3,15 54:8 54:10,20 56:8 80:17 86:19 99:9 102:1 108:7,24 117:5 189:25 191:23 194:14,17 199:25 labels 52:24 53:3 lacks 12:5 13:14 14:2,16 14:22 16:24		

158:5 193:10 194:9 195:15 196:16 198:6 198:16,20 203:18 legal 5:20 length 128:4 lengths 97:14 leo 157:19 letter 32:8 124:9 level 136:2,15 136:21 210:24 lever 115:19 116:2,3 lie 40:8 life 182:9 lift 40:4 96:20 97:2 102:14 105:25 limit 203:5 207:23 limited 5:13 6:7 122:25 134:20 134:25 135:5 line 8:12 42:10 42:25 194:23 195:9 lines 38:5 links 137:13 liquefied 154:16 155:6 liquefy 155:3 liquid 16:20 155:7 181:2,7	181:12 182:18 200:20 list 3:25 38:7 42:5 47:2,3 51:16 62:5 189:25 listed 37:24 lists 38:13 litigation 7:2 187:20 little 19:17 24:25 26:20 32:5 36:2 38:2 49:5,8,19 50:3 50:12 52:6,7 54:2 61:22,23 65:3 69:10 83:5,5 104:12 104:13 106:1 107:12,13 110:9 111:17 112:21 117:23 128:9,13 132:20 137:11 190:19 196:6 196:10 198:13 205:2 live 135:12 140:9 141:17 179:20 lives 125:19 livestock 139:9 139:14 llc 1:8 5:13 6:4 122:25 134:23	135:8 load 74:7 119:25 loading 73:5,7 120:5 located 43:13 50:17 60:3,4 82:3,5,21 84:13,14,21 93:12,14,20 107:18,24 location 106:5 165:4,8,21 166:25 167:5 locations 165:25 logged 77:15 long 13:11 37:4 123:11 127:24 170:7 204:1 longer 105:23 128:13 lonnemann 1:12 3:4 5:11 6:13 7:22 122:14 132:15 158:21 211:13 212:4 lonnemann's 29:1 lonnemannn 3:22 4:8 look 9:8 28:11 38:3,16 48:19 53:10,16 54:25	56:19 72:9 74:10 76:19 117:16,18 132:17 141:25 148:15 151:18 152:5 157:1,5 160:6 161:22 170:5,15 171:7 172:16 174:3 176:14 180:20 203:12 204:24 207:8 looked 44:25 47:4 58:14 69:13 119:15 looking 38:25 51:14 68:8 96:23 102:1 164:24 165:24 174:9 187:19 188:17 191:22 194:16 199:25 looks 54:20 72:10 93:19 195:16 loosen 16:19 loosens 18:9 lot 21:12,14 49:22,22 71:14 72:9,13,13 76:11 118:4 146:25 147:3 loud 32:8,11 louisiana 123:16
---	---	---	---

love 159:10 low 50:6 lower 92:24 ls 61:6,6 lunch 73:23 74:1 lying 40:14	main 9:22 25:10 44:13,13 53:12,24,25 54:7 106:9 112:23,23 178:12,24,24 179:14 205:3	198:13 199:6 209:10 makes 8:15 48:4 95:21 131:8 169:22 186:18 197:10 making 72:24 149:7 171:13 man 51:16 117:24 118:2 manager 10:16 manual 3:24 33:9 47:4 53:5 58:14 manuals 34:13 48:2 manure 11:18 11:22 12:10 16:16,16 139:9 140:5,7,19,23 141:4,6 142:1 142:12 152:18 152:19,22 153:6,8,11 154:8 174:22 175:2,3,7,8,11 175:14 176:13 177:12,17 178:21 179:1,5 179:14,15,21 180:1,7,9,24,25 181:2,3,7,7,8 181:12 182:22 183:4	marina 72:8 marine 138:8 mark 120:2 marked 9:4 24:22 32:16 46:20 56:6,8 61:13 73:3 119:22 122:9 122:13 159:13 market 20:15 marketing 10:25 11:2,4,8 12:16 16:14 150:24 151:1 marking 25:13 martin 125:24 126:3,4 master 135:23 135:24,25 136:1,1,2,12,16 136:17,21 137:3,4 master's 137:22 material 35:2 71:3 93:2 94:8 94:9 95:3,17 96:1,13,16 112:9 200:15 200:18 materials 11:3 11:4,9 12:14 12:16 20:23 35:2,4,5,6 70:20 112:1
m	maintaining 147:18 148:1,8		
m 126:7 180:17 181:10 machines 137:15,17,18 made 9:17,22 18:10 20:7 23:2 26:3 29:13,14,20 30:17 33:14,15 33:17 46:6,7 47:6,7,9,11 49:6,22,22 57:2,4 71:14 71:17 72:21 74:22 75:4,6 76:11 79:7 118:3 129:19 141:24 149:5 163:13,23 164:6,7,9 165:21 169:1,2 169:9,15 173:23 183:8 184:23 187:10 187:16 206:15 208:19 209:8	make 8:9,14,21 9:8 11:8 15:3 16:19 20:14,15 26:3 27:5 29:18 35:24 37:16 38:2 54:2 61:22 63:24 65:3 71:16 72:2 75:22 83:5,9 85:1 90:24 93:6,7 100:23 105:23 116:19 117:23 123:16 132:21 136:12 143:11 148:24 149:10 150:7 150:14 153:5 155:2 156:12 159:16 163:3 164:1 169:15 169:16,19 173:17 180:21 182:16 185:24 187:11 194:1 197:8,11		

151:15 matter 5:12 151:21 152:4 153:18,19,22 153:23 160:24 161:4 200:21 matters 158:9 maximum 66:10 mean 15:17 37:8 41:1 65:6 65:17 69:8 70:15 75:15 86:2 92:12 98:3 114:6 126:24 132:12 143:14 145:10 147:21 148:24 149:1,20 150:8 150:10,25 152:2 167:7 171:23 172:10 173:1,17 175:4 176:8,14 177:19 179:8 179:12 180:25 182:15 183:18 202:20 203:18 207:14,22 209:5 meaning 157:22 means 8:3 65:10 70:6 212:13	meant 62:9 measurements 201:3,4 mechanical 137:7 mecklar 156:18 media 5:10 55:19 56:2 73:15 120:12 158:5,19 194:9 199:7,18 meet 120:5 126:17 127:1,5 127:11,20,24 159:4 meeting 64:19 members 12:14 12:17 23:7 memory 22:16 mention 69:6 mentioned 14:10 16:10 19:14 21:18 22:2,12 26:16 30:7 35:9 43:11 48:23 49:18 60:1 69:22 82:12 84:19 91:2 94:21 104:17 109:20 110:14 112:25 merchant 2:11 126:10 127:21 128:24 129:14	129:24 130:2 130:13,19 131:21 187:13 187:21 188:2,7 188:13 190:3,8 190:14 201:11 201:24 202:8 merely 124:9 messy 36:11 met 126:24 127:15 128:4 metal 92:19 93:23 meter 52:7,11 meters 93:4,9,9 96:13 100:22 117:12 197:21 197:23,24 198:1,2 michael 2:7 208:17 middle 39:2 59:16,21 81:24 82:7 84:14,15 84:17 101:4 103:10 105:19 105:21,22 107:16,20,21 109:3 115:10 millimeter 66:16 millimeters 66:14 mind 132:20 157:3 160:10	181:11,15 194:4 199:12 204:5 207:5 minneapolis 2:12 minnesota 2:13 212:1,7,24 minor 55:3 minute 48:18 73:6,19,20,23 77:16 83:19 89:12,20 91:22 92:1 95:20 136:23 158:13 207:6 minutes 23:23 55:18 73:9 112:19 120:6 121:5 122:4 158:5 159:7 160:17 174:6 182:13 194:9 207:13,19,21 207:23 209:4 209:18 mischaracteri... 143:21 154:24 165:12 169:6 173:15 184:15 184:25 190:16 193:16 196:8 200:16 missouri 2:8 misstates 176:16 179:23
---	--	--	---

mist 180:11,12 180:13,14,16 180:18,19,19 180:22 181:3 181:10 182:1,8 mistake 42:5 mistakes 53:7,9 53:21 misunderstood 125:3 mixed 181:3,9 model 72:14 159:25 models 197:2 modest 204:11 modifications 27:5 36:5,5,6 49:7 185:24 modified 168:5 168:5,12 modify 197:13 moment 10:16 13:4 28:7 29:16 32:3 37:14 133:16 170:23 184:4 197:14 money 72:23 128:22,23 129:9,11,22 months 9:18 169:1 morning 5:1 7:16,20,22	motor 49:11,15 51:5 59:17 81:4,9,11,14 84:21,24 85:7 85:12,13 88:3 88:5,13,18,22 89:13 90:5,17 90:22 91:7,7,8 91:21 92:7,17 92:20 95:19 98:20,21 193:3 motors 59:14 59:24 60:5 61:4 68:10,13 68:18,22,24 81:20 82:3,5 84:4,8,13,16,17 85:15 86:3 87:25 88:19 mounted 51:22 mounting 59:19 101:19 mouse 93:16 mouth 32:6 move 24:9 32:4 39:25 86:10 100:16,20 113:3 186:21 193:14,15 196:2 210:2 moved 50:12 52:9,10 107:3 moves 91:16 mowers 177:2	mowing 177:3 178:24 mud 112:5 n n 16:7 29:25 133:19,20,22 name 5:17 7:21 7:22 11:17 16:1,7 29:24 35:12,14,14 70:14 125:23 125:24,25 126:21 133:17 133:23 135:18 157:25,25 158:2 160:15 168:5,13 near 11:13 13:24 21:12,13 23:4 32:7,10 34:24 71:19 105:15,19,22 105:25 108:2 109:9 117:11 118:19 156:17 167:8 179:21 179:21 nearly 27:4,13 27:13,16 53:8 64:6,6 98:12 197:13 necessary 76:5 need 26:9 31:17 41:5 43:5 70:24,24,24	71:1 75:16 77:14 79:1,16 79:22 94:8,9 97:20 99:4 104:12,12,24 104:24 105:2 105:20 112:7,8 128:11 150:19 189:11 199:7 200:19 needed 73:20 76:13 79:20 84:2 146:21 needle 115:23 needs 76:5 network 2:3 never 7:25,25 67:6,6 134:21 134:24 139:12 140:12,13 141:24 165:4 165:20,23 166:14 167:1 169:19 171:1 175:6,9,10,11 183:3,3 185:13 192:17 199:5 202:7 new 11:23 12:1 20:15 118:4 newer 197:2 news 11:19 155:23 156:3 newspaper 14:12 15:19
---	---	--	--

158:1 night 136:13 nonresponsive 206:24 normal 31:9,15 34:13 37:12,14 37:15 44:7 47:21 48:1 63:17 91:22,24 92:1 97:22 normally 45:25 95:22 97:17,20 98:17 110:2 189:14 191:1 north 135:21 notary 212:6 212:23 note 4:11 5:3 6:17 28:22 notes 207:8,19 notice 4:7 209:5 noticed 6:25 7:6 noticing 6:2 november 10:17 148:7 nowadays 149:9 nozzle 90:10,10 92:25 95:6 113:17 nuhn 1:5 5:12 6:6 122:25 134:19,25,25	135:3,5 208:1 208:7,9 number 28:23 47:17 50:21 52:20,22 53:7 54:1,13 65:22 80:18 114:15 114:16 157:17 159:17 162:15 175:24,25 187:5,21 189:21 192:21 192:22 195:5 200:23 201:10 numbered 12:22 numbers 47:15 47:16 194:12 210:14 nut 82:15,16,19 82:20,24 83:1 83:8	objection 12:5 13:14 14:2,16 14:21 16:24 17:4,11 18:22 19:4,11 20:12 21:1,5,22 22:22 23:8,13 27:2 30:9,24 31:6,13 34:6 34:15 39:12 40:11,18 47:24 50:19 55:13 57:15,20 58:16 59:4,13 60:11 60:16,22 61:5 62:13 63:9,19 64:3,14 65:8 66:23 67:22 68:4,15,20 69:7 70:21 72:6 74:11 75:10 78:7 79:12,17,23,25 80:4,9,24 81:17,21 82:4 83:16 84:6,23 85:1,2 87:2,8 87:12,18 88:11 88:23 90:1,15 91:18 92:5,11 92:16 93:1,13 94:4,14,24 95:9,18 96:8 96:17 97:9,19 97:25 98:11,16	99:2,15,20 100:18 101:23 102:6,11 103:4 103:23 104:6 105:18 106:7 107:7,10,19 108:1 109:7,15 110:1,21 111:4 111:23 112:3 112:14 113:5 113:12,18 114:1 119:19 121:16 122:20 123:10,22 124:21 125:8,8 126:1,13,19 128:1,17,17 129:3 130:4,20 130:25 131:14 131:22 132:8,9 132:10 134:2,6 134:11 135:13 137:8 138:12 138:13,16,16 138:21,22 139:10,10,15 140:1,8,18 141:5,22 142:4 143:7,13,20 144:15 145:8 145:23 146:2,7 146:7,23 147:9 147:9,19,19 148:3,9,22,22 150:12 151:7,7
	o		
	o 16:5 29:25 30:1,3 133:19 133:20,22 oath 6:14 8:3,3 8:5 212:8 ob 193:23 object 85:18 191:25 206:23 objected 209:10 objecting 208:21		

151:25 152:1 152:23,23 153:16 154:13 154:24 155:12 155:13,16 160:8,8 161:12 162:14 163:6 164:17,21 165:6,12 167:20 168:21 169:6 170:1 171:21 172:22 173:15 175:15 176:16 177:11 177:18 178:10 179:6,23 183:5 184:15,25 187:8,14,22 188:3,9,14 189:13 190:4,4 190:9,16 191:5 191:11 192:3 193:16,23 195:12,12 196:8 197:18 197:18,19 198:24,25,25 200:10,16,24 201:13,16,25 202:5,13,22,22 202:23 203:9,9 203:15,21,22 203:23 209:14 210:20	objections 3:8 5:23 objects 208:9 obtain 187:7 occur 72:4 october 10:20 146:1 147:8 148:2 odd 76:3 offer 4:2 offers 64:13 office 34:22,25 48:6 58:20 159:24 oh 19:19 26:19 33:2 37:5 42:6 42:9 69:25 83:7 115:18 181:18 oil 42:14,21,21 42:22 43:1,4,5 43:6 81:4,5 85:12,19,22 86:2,3 87:25 88:3,4,4 90:5 90:21 91:8 92:6,7,7,17,20 98:20,21 115:13,14 oils 42:22 okay 7:19 8:16 8:23 9:14 10:14 12:8 13:1 14:9 17:24 24:1	32:7,12,15 33:22 35:16,24 36:20 41:10 42:9 44:23 49:4 50:25 52:5 53:6 55:20 58:13 60:1 64:5,10 64:19 69:16 71:9 73:23 74:3,4 75:17 75:19 76:7,17 76:18 77:5,18 78:4 79:3 85:6 86:5,16 89:17 89:20,21 102:17 116:3 121:24 122:22 124:14,14 125:3,24,25 126:16 133:21 141:17 144:7 152:14,16 154:2 156:8 158:12 159:21 160:11,14,15 160:17,20 161:9,9,17 167:10 170:14 171:7 172:4,8 172:8,25,25 176:3,5,20 178:4 180:24 181:20 182:6 182:23,24	183:6 192:12 194:16 196:12 201:22 203:25 204:14,15 206:4,25 207:14 208:1 209:3,19 210:23 211:9 old 117:24 ones 84:13 oop 207:4 oops 99:8 157:2 op 98:15 open 27:10 42:17 44:17 64:19 95:2,3 opening 94:25 95:5,10,12 96:4,7 97:23 98:9 operate 98:15 operated 98:9 operating 46:1 91:17 97:18 109:21 operation 37:7 operator 45:4,6 96:15 114:21 160:25 189:11 198:23 operator's 198:17 opportunity 7:8 76:1 138:5
---	---	---	---

opposing 77:12 optimum 201:7 order 17:18 45:15 47:16 52:21 53:16,17 53:18 54:4,14 83:2 98:15 109:1 146:21 189:11 195:6 200:20 ordered 195:4 original 4:12 4:12 otte 29:15,16 30:1,3 33:16 47:8 57:5 75:5 79:8 151:13,14 outcome 5:22 212:18 output 84:20 85:15 outrigger 39:7 39:8,9,19,25 40:7,14 41:10 52:17,25 53:4 111:17,18 195:25 196:1 196:14,15 197:15,16 198:22 outset 13:18 outside 27:8 81:5,10,11 96:10 185:21 186:5,7 199:1	199:2,3 overall 49:10 own 67:12,14 85:15 129:20 131:18 164:19 164:20 189:1 204:23 owner 16:9 72:20 118:10 133:16 134:1 p p 143:25 144:3 p.c. 2:12 p.m. 122:6 207:16 211:12 211:14 page 3:3 10:10 12:22 18:13,14 26:12 29:4 37:23,25,25 38:13,25 41:25 42:2,3 45:3 48:23,25 51:14 51:16,16 52:14 53:1 55:6 63:2 73:7 77:1,2 156:4 160:21 161:23 162:4 162:11 166:1 166:12,24 167:4 174:10 174:12,14 182:17 188:18 190:21,21,24 191:3,7,18	194:14,17,20 194:24 pages 54:24 76:3,3 77:4 paid 128:15 129:14 130:2 130:13,19 152:2 painted 103:17 palm 123:17 paper 64:21,24 145:6 206:9,14 paragraph 70:1 148:16 150:11,22 151:19 152:5 152:17 155:23 156:14,15 159:21 160:4 160:22 167:12 168:4 169:12 170:19,20 171:7 172:17 173:9,12 part 11:19 31:10 38:7,7,7 38:8 40:20 47:2 52:20 93:23 94:1 98:6 160:7 192:20 partial 195:1 partially 165:10	participants 5:5 particular 25:1 75:23 152:4 176:10 196:20 particularly 176:8 parties 5:9 212:17 partner 197:6 parts 3:25 32:1 33:10 47:3,14 47:16,16,17 48:2 49:13 51:16 52:19,21 52:22 53:13,13 53:19,20,23,24 54:6,7,8,11,12 54:12,16 56:14 56:25 58:14 98:14,17 101:2 128:10 150:6 150:17,19,20 189:25 194:6 195:4,5 211:3 party 5:20 135:4 pass 203:24 past 156:19 patent 122:24 134:13 paving 137:16 pay 129:17,17 129:17,21 178:14
---	--	--	---

paying 129:6 payment 62:2 pays 130:1 pedal 116:24 117:1 198:15 pedals 116:6,10 116:14,18,21 198:17 pending 123:1 people 32:2 117:20,21 140:10 145:10 147:17 178:25 204:24 percent 53:6 62:2 71:3 112:9 146:10 163:16 167:9 173:22 200:13 200:18,19,20 200:23 201:4,5 201:6,6,6,9,24 202:4,12 203:5 204:20,22 perfect 7:19 53:8 197:13 performed 203:3 period 29:10 person 127:10 127:11 147:11 147:25 167:2 169:20 185:20 185:21 187:10	personally 10:23 148:17 150:23 151:9 151:16 166:15 175:1 ph 74:16 121:1 123:17,18 phone 159:3,3 phoned 159:7 photo 82:12 photograph 15:17 166:2 photographs 147:1,4 151:16 163:14 photos 4:3 75:13 78:5 151:11 phrased 97:7 physics 67:5 201:2 pick 176:4 picture 15:22 17:20 18:6,9 18:13,14,14 19:16,23,25 20:1 25:7 26:15,18 27:8 35:9 38:25 39:1 48:17,21 58:7 76:15 78:11,15 79:2 80:16,18 81:3 81:8,9 85:8 89:21,23,25	90:2 99:7,9,11 99:13,14 101:25 102:1 102:18,19,20 102:22,23 103:6,13 105:9 105:10,12,13 108:5,23 109:2 109:16 110:14 110:18,20,25 112:16 114:12 115:5,7 116:5 117:5,7,9,17,20 120:24 192:22 195:10 196:12 196:13,13,13 200:5 210:24 211:1,2,5,6,8 pictures 20:7 26:10,11 29:19 45:4 51:23 63:16 69:14 74:17,22,24 75:1,3,6,7 76:10,11,14,19 78:2,8,10,25 79:6,7,9,15,16 80:3,5,8,11,15 80:20,22,23 86:17,19,21,23 86:25 87:1 89:18 93:5 103:9 106:3 108:6,8,10,11 108:24,25	109:4,6,9 110:2 114:13 114:17,19,20 117:11 119:8,9 119:15 147:4 163:12 174:19 194:23 piece 92:24 94:3,22 pigeons 139:20 139:20,22 140:3 pilot 43:3,7 pipe 90:8 93:3 93:7,8 94:22 94:23 95:1,6 96:1,2,5,9 110:24 111:15 piper 162:7 pipes 81:7 85:9 90:7 91:6 piston 103:25 104:5,18,18 pivoted 40:8 place 5:8 22:4 45:25 71:18,19 71:23 74:22,23 86:11 118:13 118:23 166:3,8 166:10 197:16 198:3,6,11 209:9 placed 198:22 places 72:5 166:13
---	--	--	---

plaid 118:9 plaintiff 1:6 2:5 2:9 6:6 7:7 plaintiff's 4:6 122:13 159:16 plaintiffs 5:12 plan 38:8,9 56:16,17,18,21 56:23,25 58:4 58:6,7,8 59:6,8 59:11 68:8 79:21 123:19 211:2 plane 113:10 plant 153:7 154:12 156:21 161:11 165:22 173:23 plants 154:22 155:11 plastic 85:8 150:6 plate 27:24 39:21 197:8,9 platform 170:11 play 186:17 playing 120:20 please 5:3,24 6:9 7:21 8:10 116:9 128:5 129:7 130:16 175:19 201:20 plowed 140:25	point 35:25 36:1 39:22 42:20,20 43:2 43:3 49:14 50:8,8,15 53:22 69:18,21 73:17 81:6,10 85:10,12 95:10 101:10,11,16 101:19 102:23 103:1,2,8 106:9,11 122:3 144:25 157:24 196:20,21,22 209:13 pointed 192:2 192:21 pointing 17:22 39:23 191:25 198:12 points 76:23 85:8,9 90:7 177:15 poland 114:24 119:7 pond 19:25 117:13 157:8,9 157:15,16,21 157:21 158:9 160:13,14,14 160:15,15 161:8 167:8 175:23 176:1,2 pontoon 36:1 41:15,17 55:7	67:1,18 193:5 193:10 pontoons 25:19 26:3,5,5,7,7,8,9 26:16 51:22,24 67:1 106:2,10 107:1 portion 92:24 portions 195:8 position 45:16 49:8,18 50:5,7 51:19 52:1,6 55:3 60:13,20 68:9 83:8 99:24,25 100:4 100:5,13 106:12 107:3 111:14 113:6 113:21,23,23 137:4 positioned 41:3 197:16 possible 7:10 22:15,16 69:3 107:13 166:4 166:21 170:12 potential 11:10 11:11 22:21 23:1 power 43:6 60:6 61:3 87:6 87:11,17,22,24 88:18 89:15 104:24 105:2 109:17,17	110:6 powered 84:3 87:9 88:8 powering 50:16 practical 61:2 62:23 138:10 practice 11:8 12:13,15 20:23 predominantly 151:1 preparation 124:9 126:18 127:16,21 203:14 prepare 31:10 34:13 48:2 57:18 63:17,21 64:13,16 123:21 144:14 151:9 prepared 62:24 62:25 63:5,8 65:7 191:14 preparing 32:13 62:17 present 2:16 41:11 81:20 163:1,21,22,25 164:7 169:4,9 172:1,5 173:24 presentations 15:6 press 116:11,12 116:24 117:1,2 117:3
--	---	---	--

pressure 66:9 95:25 prevent 46:1 previous 146:23 previously 142:22 160:7 161:4 199:24 210:8 price 62:3 178:11,12,14 prime 99:1 priming 98:24 99:4,5 print 187:11 212:13 prior 6:21,23 11:7,23 48:15 147:7,7 148:1 155:23 163:10 169:5 171:9,15 184:23 203:13 privilege 123:23 126:20 privileged 123:23 126:14 128:2,18 129:4 131:23 132:9 201:17 probably 141:12,13 143:15 167:22 178:14 problem 27:6 32:12 42:3,4,7	52:21 53:18 79:3 124:4 152:13 176:1 209:20 proceed 6:10 77:11 proceeding 5:24 proceedings 7:4 process 150:14 produce 11:21 19:21 22:6 54:11,11,16 79:19 118:13 184:17 185:9 186:3 produced 13:1 19:21 25:9 27:21 74:15 76:12 117:14 118:11 124:20 125:13 131:4,6 184:7,10 185:14 187:20 produces 12:25 producing 13:4 product 3:24 10:25 11:1,21 13:8,11,24 14:1 18:19 20:18 25:17 26:21 28:19 34:13 47:4,19 55:1 59:6 62:9	72:25 112:23 131:4,10 148:19,21 149:4,8,15 150:24 production 10:24 27:20 37:21 78:12 103:12,14 118:11 145:14 145:17 146:17 148:18 150:11 150:14 products 11:6 11:19,25 12:2 13:4,6,21 30:22 31:2 34:5 47:22 48:3 57:13,18 57:19 63:18 75:8 79:10,15 81:14 103:19 118:23 145:1,4 177:17 professional 56:24 project 138:3 prompted 137:23 pronunciation 156:24 175:20 proof 171:16 172:5 183:19 proofed 125:22	prop 61:9 propel 111:10 propelled 111:3 propeller 61:8 91:19 92:21,22 111:5,6 115:15 121:19 155:5 proper 69:2 properly 42:12 188:20 proportional 83:25 proposal 11:4 propulsion 111:21,25 protected 141:18 prototype 35:22 65:14 prototypes 150:18 proud 64:23 131:10 prove 171:15 172:9,25 173:1 173:20 174:2 174:18 provide 12:16 20:10,23 30:21 31:1,4 34:4,10 47:21 57:12 67:9 86:2 111:21,24 126:9,21 128:5
--	--	---	--

132:11 187:12 188:1 190:3 202:2 204:13 provided 19:6 33:24 190:7 provider 179:9 provides 88:18 providing 12:13 31:10 181:15 194:4 public 11:5 12:14,17 19:3 20:11,24 23:7 72:5 117:15,17 118:21 171:9 178:15,18 212:6,23 publication 11:20,23 155:23 164:4 publications 12:1 publicly 11:9 14:19 18:21 71:9,11 72:16 169:13,24 171:3 173:13 publish 14:15 published 11:25 14:25 15:12 pull 55:15 61:11 pulled 120:15 164:3,8 193:11	pump 16:19,20 20:2 27:15 39:16,18,20,22 41:7,8 45:8 49:8 50:15,16 50:18,21,24 51:6,15 56:21 60:4,9,9,19,19 60:21,21 61:3 61:4,6,6,7,9 68:10 69:6,8,9 69:10,12,12,13 69:13,20,22,22 69:24 70:2,8,9 70:10,11,12,13 70:14,16,18,20 70:20,23,25 71:2 78:16 87:13 88:21,24 89:2,3 90:2,6,9 90:11,14,19,23 90:23 91:3,10 91:12,15,15,16 91:20 92:25 93:3,9,12,14 94:5,7,10,18,19 94:20 95:11,11 95:15,17,21,25 96:3,16 97:8 97:17,18,24,24 98:2,5,6,10,12 98:14,15,17,25 99:17,18,21,24 99:25 100:4,5 100:16,23,25	101:1,2,21 102:25 103:3,8 104:8,8 106:21 106:23 107:3 107:11,15,20 109:10,11,11 109:13,16,20 109:21 110:3,5 110:6,7,10,11 110:23 111:9 111:11,21,24 112:2,2,8,9,12 112:12,15,18 112:18,21,23 112:24 113:1,3 113:3,6,10,24 113:25 114:2,4 131:7 139:5,6 153:6 162:10 166:21 178:22 182:25 183:4,8 183:14 196:24 197:22,23 198:3,6 199:4 200:7,8,9,12,12 200:18,20,21 202:3,3,12,17 203:1 pumped 154:16 155:7,7 pumper 91:19 pumping 11:18 11:22 12:10 16:16 45:4 152:18,22	154:8 pumps 87:14 87:14,17,19,21 87:24 88:2,3 138:20,24,25 139:2 183:19 183:20 purchase 145:6 146:15 183:15 183:19 purchased 31:23 35:5,21 36:7 48:8 58:22 80:8 144:16,21,24 145:22 146:4 147:16 148:6 164:23 183:19 184:21 pure 181:7 purpose 11:2 178:19 183:10 183:13 purposes 171:18 push 25:23 147:13 193:9 put 36:2 41:7 49:23 50:3,8 51:24 59:20 67:6,7 69:10 70:25 71:25 82:18 91:1 93:6 97:21 98:18,19,22
---	---	--	--

99:3 101:13 102:13 104:1 104:10 106:12 106:18,19,24 107:11 118:22 169:16 185:20 193:4,5 196:16 196:17,19 198:7 px 122:13	207:20 208:6 209:7 211:10 quick 6:16 23:22 85:1 158:6 199:10 204:3 quite 126:23 144:23 153:1	read 24:13 29:8 38:5 58:2 122:16 124:6,9 151:22 156:7 162:17 177:16 204:21,22 205:16,22,22 205:23 206:12 206:15,16 reading 69:18 156:12 reads 156:15 ready 7:11,13 46:19 real 6:16 really 58:6,8 122:16 132:13 139:17,18 141:24 155:20 161:16 165:16 166:20 172:5 201:3,9 203:17 204:1 reason 8:23 32:9 66:25 178:19 183:7 rebuild 76:14 recall 188:17 190:20 200:4 receive 136:21 received 159:24 receptacle 51:5 51:7	recess 24:4 55:25 73:13 77:21 120:10 158:17 199:16 209:23 recognize 32:23 74:24 78:5 86:23 105:10 118:24 120:19 161:23 166:12,25 167:5 record 5:2,9 6:1,18 7:21 8:17 17:21 18:12 23:23 24:2,5 28:23 55:22,23 56:1 73:11,14,18 77:2,19,22 120:6,7,11 122:5 158:15 158:18 173:19 199:15,17 208:23,23 209:1,11,21,24 210:1 212:15 recorded 5:7 5:10 172:11 212:12 recording 5:4,8 records 23:12 147:18 148:1,8 167:16 174:1
q	r		
quality 5:4,4 137:19 question 6:20 7:8 8:11,13 26:23 74:12 75:2 76:16 77:11 97:5 113:9,14 123:25 126:24 128:19 130:7 130:16 131:25 132:13 138:12 144:24 146:24 147:12,15,23 155:9 172:24 174:25 187:18 205:6 210:10 questions 8:10 10:12 24:8 76:1 121:24 140:3 190:22 200:4 203:19 204:3,12,14 206:5 207:9,13	r 2:11 16:5,5,6 16:7,7 29:25 126:7 racing 139:20 139:22 140:3 rainer 15:21 16:2,6 17:9 29:15 33:15 34:1 47:7 57:4 62:25 75:5,6 79:7 80:6 117:25 148:5 148:10 151:11 185:4 raise 12:1 rake 39:16 102:25 ramp 118:21 rare 104:22 rather 8:19 104:4 reach 101:16 198:10 reached 133:9 133:12		

reduced 212:13 refer 134:25 135:7 149:19 152:10 176:7 reference 6:24 64:1 177:9,16 177:20 referred 47:3 192:23 referring 12:20 26:11 82:21 135:5,9 140:16 156:3 168:3 176:12 194:13 209:8 refers 149:17 155:23,24 176:10 reflect 77:2 reflected 167:15 regularly 30:21 34:4 57:12,17 64:12 reimbursed 129:23 reimbursing 129:1 related 5:20 11:1 127:6 150:24 212:17 relationship 63:13 164:16 relative 212:11	relatively 51:19 relevance 123:10 130:5 132:10,13 138:21 remaining 54:24 remember 35:17,18 159:20 170:8 184:1 remote 28:2,8 183:22 184:1,7 184:23 185:6,7 185:9,12,14,16 186:1 remotely 1:15 2:4,8,13 212:4 removal 178:6 remove 82:15 93:8 95:23 110:3 178:16 178:17 removes 156:18 repair 36:5 37:18 82:11 repaired 36:4 repairs 35:20 36:6 37:9,12 37:16 repeat 79:23 113:13 130:16 203:21 repeatedly 154:5	repercussion 209:14 rephrase 8:11 26:23 43:22 97:5 113:9 reporter 5:18 6:8 15:25 16:3 16:8 29:23 79:22 181:5 203:20 208:24 representation 132:7 159:23 represented 132:3 representing 2:5,9,13 5:19 131:21 132:12 133:7 reservation 129:19 respect 103:22 107:17 188:23 responsibility 62:22 responsible 27:20 29:18 44:12 60:6 61:7 62:22 81:4 115:3,11 116:6 137:14 145:14 147:17 151:5 187:11 rest 112:9 159:6	restate 177:14 restroom 159:2 result 27:24 results 203:7 203:12 returned 161:19 reveal 126:22 128:20 129:7 131:25 review 76:2,5,9 reviewed 28:16 163:9 reviewing 160:7 revised 4:7 revisions 143:11 rid 178:13 ridden 119:5 right 9:3,6 10:9 12:21,23,24 14:6 16:21 18:11 19:13 24:24 25:5,20 26:13,14 27:8 27:23 28:24 29:4 30:2 32:21 38:22,23 39:24,24 40:7 40:13 41:12,13 41:18,24 42:1 43:1 44:21 45:11,20,23 46:2,3,22
---	--	---	--

50:14 51:17,18 52:3,14 53:1,2 53:13 54:7,9 54:12,17,19 55:8,15 56:19 58:12 59:25,25 60:17 61:11,15 62:7 63:4 64:25 65:1 66:3,17,20 67:19,19 68:11 68:12,12 69:15 69:15 71:21 74:6 75:21 78:20 79:4 81:16 82:6,23 83:8 84:15 85:20,22 86:4 86:18 87:23 89:5 90:12 93:22 94:22 95:8,12 96:19 97:2 99:6,8 100:1,6 101:20 101:22,25 102:18 106:11 107:4,12,17 111:18 115:12 115:16,16 116:4,7,7,19,22 116:25 117:2,4 117:5 118:6,7 118:7,7 119:20 122:1,6,7 123:5 124:16	126:8 129:20 132:20 133:25 143:1,2,2 148:15 151:18 153:15 155:22 156:1 159:12 161:16,19,22 164:11 166:23 168:3,4 169:5 169:11,14 170:4 174:3,20 176:23 180:23 182:17 183:11 184:17,20,22 184:22 186:14 186:21,23 187:21 191:22 192:17,19,25 193:10 194:16 194:22 195:20 195:21,23 196:1,1,3,4,16 197:10 198:6 198:16,19,23 199:20,22 202:25 203:16 205:8,9 208:5 210:10,14 211:5 rise 41:21,22 river 21:13 41:8 90:25 94:18 98:3,19 108:12,18 114:22,23,25	118:16,18,18 175:6 rivers 178:2 ro 107:2 road 137:16,18 138:15 rod 103:25 104:5 role 27:19 159:25 rolls 83:19 89:12,13 91:21 91:24 92:1,8 95:20 116:4,15 ronald 29:15 29:15,25 33:16 47:8 57:5 75:5 79:8 151:13,14 room 35:1,1 104:13 127:13 129:6,14 rooms 34:24 rotate 39:25 40:3 83:11,14 83:22 84:4 86:6 92:15 97:14 100:8 103:22 113:1,3 rotated 88:14 191:18 rotating 91:20 91:21 rotation 92:9 rotator 40:1,2 52:18,19 53:19	53:24 78:15 89:19 97:11,15 100:7,8 rpr 1:19 212:22 rubber 66:2,3,5 rule 42:16 44:6 188:24 189:9 run 92:1 122:2 174:5 194:5 running 92:20 92:21 95:19,20 110:10 runs 91:23 ruth 6:11 116:1 157:3,11 181:11 201:14 204:18
			s
			s 16:4,5 135:18 135:19,20 180:17 181:10 safe 37:8 safety 42:16,19 44:5 94:20 189:1 sale 25:3 64:20 64:23 sales 10:16 37:15 148:14 197:6 sand 70:23,25 71:1 94:8 110:3 112:5,8 112:24 200:21

santamaria 4:9 saved 17:3 172:12 saw 13:9 15:18 33:13 63:16 82:9,10 93:5 103:9 117:10 121:13 142:14 152:25 153:1,6 155:3,17,19 169:20 172:11 173:18,20,23 182:12 187:9 saying 53:14 69:20 86:1 142:9 198:9,10 says 9:21 73:7 148:17 150:22 151:19 152:6 152:17 156:7 156:10 159:21 160:4,13,14,23 161:3,7,14 164:11 167:14 168:5 169:12 171:7 176:24 177:2 178:23 180:18 194:20 210:11 scale 145:15 schedule 79:21 schematic 39:1 scherburgen 104:22	schiese 153:13 153:14,14 schlammpum... 70:15 school 136:4,9 136:13 137:21 schröer 10:21 15:21 16:2 17:9 29:15 33:15 34:1 47:7 57:4 63:1 75:5,6 79:7 80:6 117:25 148:5,10 151:11 185:4 scott 2:3 6:5,23 29:2 84:25 121:25 132:11 177:13 204:5 207:7,15,22 209:3,8 210:1 scott's 77:7 scratch 198:11 screen 5:7 9:6 32:19 46:23 56:9 74:7 75:18,25 80:14 120:16 122:8 142:19,20 153:25 186:23 186:24 189:17 199:21,22 204:25 205:10 208:18 210:7 210:11	screenshot 16:14 167:5,15 167:19,22,24 168:3,11,19 screenshots 162:21 163:3,5 163:13,21 164:3,8 166:13 166:17,25 168:16,24 169:22 screw 53:17 screws 51:8 53:12,15 scroll 16:11 17:19 41:25 53:10 69:10 76:15,18 83:4 93:17 156:2 196:10 scrolled 77:3 170:17 scrolling 19:17 37:23 38:13,25 75:13,25 76:8 76:20 seat 43:24,25 46:15 second 17:19 18:9,13 19:21 19:25 22:8 25:9 35:14 38:7 40:16 41:2 42:20 53:25 78:13	81:8,9 82:12 122:1 152:17 166:4,19 172:16 174:12 section 195:2 secure 83:2 secured 82:25 sedi 112:23 sediment 41:9 90:25 112:6,24 197:23 199:4 sedimentation 157:15,20 176:1 sediments 70:23 71:2 see 9:7,8,11,13 11:24 12:11,18 14:24 15:11 18:6,9,24 19:17,23,25 20:2 24:10 25:7,18 26:6,8 26:18 27:7,8 27:10 32:18 35:25 39:3,5 39:20 40:25 41:14 45:1,3,5 45:11,24 46:23 48:17 49:5 51:23 52:24 53:10,23 56:10 58:5 61:16,18 66:9 69:24 70:1,10 71:15
--	---	--	---

72:11,13,22	158:1 159:21	seeing 190:20	20:8,10 21:19
74:8,9 76:23	160:3,12,14,21	205:10	27:21 28:4,14
78:14,14,16,17	160:23 161:1,2	seeking 7:2	29:16 30:11,21
78:21 79:14	161:5,6,6,15,24	seen 5:6 9:14	31:9,21,23,25
80:20 81:4,5,8	161:25 162:1,3	15:8,10 28:13	32:3 33:13,22
81:9 82:15,15	162:6,7,7,11,12	28:13 61:19	34:4,13,20
82:23 83:4,6	162:13 164:11	122:18 140:17	35:5 47:21
84:22 85:6,11	166:20 167:7	141:4,11,20	48:1,6,8,12
86:21 89:23	167:11,13,17	142:2 143:8	54:12,16 57:12
90:2,4,5,6,6,8	167:18,21	155:18 159:19	57:17 58:20,21
90:11,16,17,20	168:7,10,10,11	179:21 182:8	63:13,17 64:12
91:6 92:23	168:12,13	182:10,25	64:19 66:19
93:15 99:11	169:14 171:11	202:10	68:2 70:17
101:4,18,24	171:12 172:3	sell 28:8 64:23	71:5,6 74:18
102:7,20 103:5	172:14 176:15	179:16	74:19 80:5,8
103:6,24,24	176:24 177:1,7	seller 179:11	80:12 117:12
106:2 108:2,8	178:23 181:18	send 47:17	118:4,13 119:2
109:4,16	181:22,23	52:22	137:2,4,25
110:18,23	182:2 186:23	senior 118:1	138:2 144:16
111:12,12	186:24,25	sense 8:14,15	144:21,24
114:17,18	187:2,6 188:19	8:21 131:8	145:1,2,7,10,14
115:9,17 116:5	189:19,20,23	194:1 197:10	145:19,22
117:7,16,17,25	191:6,20,20,25	199:6	146:1,5,15,18
118:6,20 119:2	192:1,19 193:3	sent 65:17	146:19 147:1
120:16,24	193:6 194:6,11	124:23 125:1	147:17 148:1,7
121:9,12,17,20	194:18,19	159:10	148:17 164:6
122:14,15	195:2,5,16,19	sentence	164:15,16,19
132:2,13	196:14 197:12	149:19 150:22	166:5,7,8
140:10 142:19	199:22,22	152:17 161:7	167:8 172:11
142:23 148:16	200:2,3 205:13	172:17	172:19 176:21
148:20 150:21	207:9,20	senwatec 10:21	177:17 179:4,8
151:23,23	208:15 210:7,9	10:22,23 11:4	179:10 183:3
153:3,18,21	210:12,13,14	11:25 13:1,2,3	184:18,21
154:15 156:5	210:17	13:19 16:9	185:4 187:9
156:20 157:24		17:6,6,7 19:22	

senwatec's 10:24 11:2,7 11:19,21 12:2 12:13 31:2,5 31:22 34:11 144:21 145:21 148:18 152:6 september 1:13 5:2 123:20 212:4,19 sequence 109:1 110:14 114:13 server 146:17 147:7 service 37:12 179:9 set 46:15 77:17 settling 157:16 157:21 seven 207:25 208:1,2,3 several 37:10 sewage 154:12 154:14,21 160:13,14,14 160:15,25 161:11 165:14 165:22 166:22 176:2,9 177:24 177:24 shaft 51:6 82:17,18,22 83:1,9,11,14 88:25 89:3 90:21 91:3,5,9	91:9,11 92:18 92:19 97:17 shake 8:20 shannon 1:19 5:18 6:15 212:22 share 9:5 75:16 75:17,24 77:6 77:7,17 80:13 119:21,25 120:15 122:7 142:19 199:21 shared 189:16 210:7 sharing 9:6 24:10 168:6 shearing 104:23,23 shit 36:18 153:2,13 154:10 shitty 154:5 shop 54:5,13 shore 91:1 93:4 186:11 short 10:22 73:9 120:4 132:23 133:2 158:13 207:5 shorthand 135:4,8 152:10 171:9 shortly 137:2 shovel 197:1	show 9:4 15:16 16:11 17:10,13 21:15 22:2,10 37:24 44:24 46:19 52:15 56:5 73:1 74:14 89:18 99:7 102:18 105:9 108:4 114:11 123:15 159:6 173:12 202:3 showcased 12:9 showed 15:22 64:9 170:8,24 shower 36:25 showing 25:13 32:21 33:8 45:4,19 52:14 55:6 61:15 74:7 75:17 78:9,10 80:16 80:22,23 86:18 89:21,25 99:8 99:9,13 102:19 102:22 108:6 108:10,23 109:6 110:13 110:20 114:13 114:19 115:5,7 117:5 120:22 120:23 205:12 shown 18:14 19:8 26:12 35:9 37:25	39:1,3 40:15 42:1,6 48:25 49:19 52:3,16 52:25 86:25 90:14 103:21 105:12 107:16 117:20 118:14 165:25 166:13 167:5 182:19 195:9,15 208:13 shows 11:12 14:13 16:13,15 17:15 19:19 21:4,9,19,20 22:4 26:15 29:11 33:1,10 38:13 52:17,19 55:6 56:14,25 64:22,24 74:12 78:13 87:3 99:16 101:25 105:13 108:11 109:9 110:2,22 110:25 111:14 114:20 167:25 202:12 203:7 shutting 46:4 shy 108:13 sic 5:12 8:13 16:5 32:8 56:9 104:22 114:4 115:23 143:25 165:15 185:10
---	--	--	--

side 25:5,5,19 25:19,20 26:6 39:16 40:7,21 41:18,18 45:11 56:19,20 59:14 82:5,6,6 84:15 84:15,16 85:19 85:20,21,22,23 85:24,24 86:2 86:3,5,8,8 95:25 96:20 97:1,2 100:1,1 100:6,12 101:3 102:4,7 103:7 104:20 105:5 106:10,11 107:11,12,12 107:17 111:18 115:12,16,17 116:4,8,8,22,25 117:2,4,16 118:6,16,18,19 193:7 195:15 196:16 198:6 198:16,20,20 210:10 sides 25:5 81:24 84:14 95:2 sign 206:9,16 signal 43:25 signature 10:8 10:9 63:2 signed 9:19 132:18,25	133:1,2 143:17 163:11 206:13 206:14 signing 143:12 163:10 206:21 silt 95:23 silver 91:10 94:1,3 98:7 103:24 similar 13:22 13:25 59:8 simple 56:24,24 simplified 56:22 58:9,24 sit 42:16,19 43:25 108:2 185:25 186:3 188:25 189:14 189:14 site 146:1,6 sitting 117:21 173:8,11 187:18 191:9 202:11 203:7 204:1 206:19 situation 111:12 204:24 205:8 six 17:16 25:4 66:1 67:24 81:23 90:3 103:6 169:1 204:24 size 66:5 168:5	slanted 195:22 195:22,23 slogan 178:5,7 slope 177:2 slow 69:2 sludge 18:8 36:11,16 121:2 121:4 142:15 155:19 156:18 156:22 160:25 165:15 177:21 177:24,25 178:2,6,17 179:2 slum 95:23 slurries 142:15 153:9 slurry 16:17 18:8 121:2,4 155:2,3 156:17 157:1 181:24 181:25,25 182:5 183:9,9 183:14,20 small 21:13 27:4,12 36:4 40:5 49:6 53:6 53:9,13,15,16 53:20,21 70:23 94:17 105:1 111:13 112:15 112:15,24 115:11,17,18 115:18 122:15 135:17 140:9	140:22 142:11 147:2 168:8 smaller 96:10 115:14 145:15 smell 37:1 smelled 36:14 smelly 160:10 smr 1:7 5:16 snail 93:19 socket 54:20 software 157:4 181:16 sold 28:5,19 37:10 48:15 49:1 59:1 62:11 63:18 66:19 68:2 70:17 71:5,7,8 81:15 103:19 119:17 173:3 173:25 179:13 184:12,17 185:7,13 solid 200:20 solutions 5:20 somebody 134:13 163:18 178:13 somewhat 149:12 son 118:3 sorry 12:6 21:8 24:21 26:22 28:24 33:2 42:6 50:22
---	---	---	---

56:12 70:5 73:5 76:25 81:8 99:8 101:25 113:8 119:24 124:25 130:12,15 133:11 160:23 162:16 168:2 172:7 174:24 175:5 177:13 180:8 185:11 201:13 207:4 208:25 210:16 sort 45:15 197:15 sound 23:23 sounds 209:17 source 33:20 south 2:12 southern 1:2 5:14 123:2 space 104:7,13 spare 33:10 38:7 47:2,3,17 48:2 49:13 51:16 52:19 150:17,19 189:25 195:4,5 sparts 48:2 speak 32:11 65:20 124:12 143:10 204:23 206:11 speaker 205:3	speaking 65:25 131:16 153:2 208:11 special 94:6,9 114:8 specific 153:21 177:20 183:7 specifically 33:24 71:17 80:14 82:13 177:23 178:3 178:20 179:15 183:8 199:25 specifications 62:6,8 specifics 124:13 speculation 13:15 14:3,17 14:21 16:25 17:4,11 18:23 19:5 20:13 21:2,6,23 22:22 23:9,14 27:3 30:9,25 31:7,14 34:7 34:16 39:13 40:12,19 47:25 50:20 57:16,21 58:17 62:14 63:10,20 64:4 64:15 65:9 66:24 70:21 72:6 75:11 79:13,18 80:1	80:10 81:1,18 81:22 137:9 142:5 155:13 160:9 161:13 171:22 179:7 187:23 188:4 188:15 190:5 190:17 200:25 202:14 speed 60:6,12 60:18,19 68:23 69:2,3 83:15 83:18,19,20 84:2,10 89:11 89:12,13 91:22 91:23 92:1,3,6 198:19 speeds 68:3,9 68:14,18,21,24 83:14 spell 16:1,3 29:23 180:15 181:5 spelled 144:3 spelling 181:11 splash 194:2 splint 82:25 83:10 split 6:19 7:9 208:2 spoke 68:7 177:14 spoken 158:22 159:8	spot 196:6 spray 90:8,11 92:25 93:3,4 96:1,2,5,19,22 109:17 110:24 110:24 111:15 sprayed 96:16 spring 140:23 sprocket 192:4 192:5,8,24 193:1,22 stability 26:8 41:19 stable 25:20,25 26:1,3 35:24 36:3 50:7 105:21 stand 42:17 44:3 172:10 189:2 standard 11:8 12:15 20:23 standing 45:7 46:1 start 7:11,13 36:14 56:2 73:15 110:6 120:12,18 132:21,23 158:19 199:18 started 6:17 13:19 20:21 22:6 27:23 73:18 74:16 118:11 132:12
---	--	---	--

133:2,7 136:23	19:8,13 20:4	82:2,8,20	125:8 126:1,13
137:2	20:19 21:3,18	83:11,22 84:3	126:19 127:7
starting 65:10	21:24 22:17,25	84:12,19,25	127:25 128:1
114:14	23:11,18,21	85:4,14 86:1	128:17 129:3
state 5:24,25	24:7,17,24	86:16 87:6,10	130:4,20,25
7:21 201:8	25:12,15 26:10	87:16,21 88:17	131:14,22
212:1,7	27:17 29:2,3	89:17 90:4,13	132:3,5,8
statement	29:12 30:5,14	91:2 92:2,9,14	133:6 134:2,6
152:21 171:13	31:1,9,19	92:23 93:11,17	134:11 135:13
172:21 173:11	32:11,13,18	93:23 94:11,21	137:8 138:12
183:17	33:7 34:9,18	94:25 95:16	138:16,21
statements	36:16 37:3,8	96:4,15 97:4	139:10,15
173:9	40:13,25 41:24	97:16,23 98:1	140:1,8,18
states 1:1 5:14	43:10,22 45:18	98:14,24 99:6	141:5,22 142:4
7:6 123:1,12	46:11,18,22	99:18,23	143:7,13,20
159:4 206:11	48:1 49:14	100:19 101:18	144:15 145:8
206:19	50:11,22 51:13	101:24 102:9	145:23 146:2,7
stating 183:13	52:13 55:15,20	102:12 103:18	146:23 147:9
184:1	56:4,8 57:2,17	104:3,17 105:6	147:19 148:3,9
steel 94:6,6,9	57:24 58:18	106:4,21 107:8	148:22 150:12
197:3	59:5,23 60:12	107:15,22	151:7,25
steer 111:17	60:18,25 61:11	108:4 109:13	152:23 153:16
116:10,17	61:15 62:16	109:20 110:13	154:13,24
steered 85:17	63:12 64:1,12	111:2,8 112:1	155:12,16
steering 43:4,5	64:18 65:16	112:12,25	157:3,10
116:18 185:21	66:4 67:3,17	113:8,15,16,24	158:14 160:8
186:4,6	68:1,7,17,21	114:5,11	161:12 162:14
stemler 2:11	69:9,21 70:7	115:21,25	162:18 163:6
3:5,15 6:3,3,23	71:4 72:15	116:3,9 118:24	164:17,21
7:15,20 12:7	73:1,5,23,25	119:20,24	165:6,12
13:16 14:9,19	74:13 75:15,24	120:9,14,22	167:20 168:21
14:24 15:8,19	76:7 77:5,12	121:9,19,24	169:6 170:1
16:10,22 17:2	77:24 78:8	122:2,5,18,20	171:21 172:22
17:7,14,21	79:1,14 80:2,7	123:10,22	173:15 174:5,7
18:2,12,16,25	80:13 81:13,19	124:11,21	174:24 175:15

176:16 177:11 177:13,18 178:10 179:6 179:23 181:11 181:15 183:5 183:21 184:15 184:25 187:8 187:14,22 188:3,9,14 189:13 190:4,9 190:16 191:5 191:11 192:3 193:16,23 194:4,10 195:12 196:8 197:18 198:24 199:12 200:10 200:16,24 201:13,16,25 202:5,13,22 203:9,15,22,25 204:5,8,10 206:4,25 207:7 207:10,14,21 208:5,11,15,19 209:3,17 210:1 210:20 stemler's 132:7 stenotype 212:13 step 112:16 steps 76:13 stick 112:13 115:15	stink 156:16 stir 183:9 stones 70:23 112:24 stood 45:17 stop 76:16 94:19 100:9 112:19 128:8 128:13 189:3 189:10 stopped 118:3 118:3 stored 31:20 34:19 48:5 58:19 147:6 180:2 straightforward 204:13 straw 181:3,9 street 2:8,12 strictly 131:16 strike 132:6 134:7 136:19 142:18 168:18 173:9 176:22 202:10 210:2 strong 110:10 180:19 structure 103:18 104:4 139:1 structures 102:3 145:11 stuff 32:6	stupid 42:20 subject 11:23 submerged 98:9,15 165:11 submitted 142:25 substance 124:1 128:6 201:21 suck 45:12,13 sucked 155:6 suction 42:25 45:14 155:5 177:5 suggest 161:10 suggested 137:21 suite 2:4,8,12 supplied 87:22 151:10,14,15 supply 87:11 support 171:20 172:20 183:17 supposed 78:24 160:2 sure 26:19 28:9 35:14 51:11 54:15 83:6 119:14 123:14 136:25 140:20 157:6 163:17 164:1,5 166:4 166:6 167:6,9 170:10 180:21 182:16 184:3	191:3 209:10 surprise 49:24 sustainable 150:8 swear 6:9 172:4 swim 72:12,12 72:12 101:16 102:14 swing 100:1 switch 43:24 44:3 46:9,16 switched 37:14 swivel 107:2 sworn 6:11,14 212:10 system 19:20 22:8 25:6,8,10 25:18 26:5 27:11 33:1 38:24,24 42:11 43:12 44:2,9 44:15,18 56:19 58:7 59:7,15 59:18,22 60:2 61:7,8 63:15 67:2 68:5 69:5 72:18,19 76:23 78:11 81:23 82:1 84:9,11 88:5 89:16 91:25 99:16 105:1,2 106:20 108:22 114:21 115:3 116:7,16
---	--	---	---

118:12 139:2,3 188:20 191:16 191:17 196:17 198:15,20,21 210:25 systems 26:21 26:24	takes 132:20 talk 124:1 138:5 142:16 154:11 talked 29:20 64:21 124:13 talking 51:15 79:24 135:1,9 136:17 140:21 140:21 141:1 152:11 154:4 182:16,17,20 208:5,12 tall 180:3 tank 42:21 72:10 78:14,21 tara 159:3 197:6 target 178:12 178:15,25 179:16 targeted 179:15 taylor 2:11 6:3 6:16 28:22 69:17 73:18 75:13 76:25 125:11 127:19 132:3 207:24 208:14 209:12 technical 32:1 38:14 49:11 62:5,8 128:10 145:12 157:14 157:20	technique 127:12 technology 134:14 tell 14:10 15:2 22:25 37:24 52:15 80:22 133:6 154:7 173:5 191:12 temperature 27:7 term 104:22 114:5 149:17 153:13 154:10 181:1 terms 12:13 182:5 test 45:9 115:2 117:13,13 135:25 tested 61:1 203:2 testifies 6:15 testify 212:10 testifying 130:24 131:12 212:9 testimony 7:3 8:24 122:23 143:21 151:20 154:25 165:13 169:5,7 173:16 176:17 179:20 179:24 184:16 185:1 190:17	193:17 196:9 200:17 212:12 212:15 testing 109:11 118:23 137:13 137:14 tests 45:19 49:23 110:2 132:21 203:3,8 203:13 texas 2:4 texts 151:10,15 thank 7:19 8:1 16:8 32:6 44:23 46:18 51:12 52:13 54:23 55:20 58:1 74:5 120:9 122:5 158:10 162:18 162:19 176:20 194:10 204:8 206:4 211:9 thanks 6:23 29:2 174:7 thereof 212:8 thing 29:9,11 44:7 139:17,18 151:3 165:10 209:1 things 13:25 27:12 36:4 140:10,15 142:12,17 144:17 145:18
t			
t 30:1,1,3,3 135:18,19,20 180:17 181:10 table 38:3,5 take 5:8 22:4 23:21 36:25 55:21 71:18,23 72:8 73:6,9 75:7 76:4,19 77:16 79:9 90:25 117:18 120:4 158:6,13 162:24 163:3 167:19,22 168:14,15 176:4 199:10 207:5 taken 1:13,19 5:11 24:4 55:25 73:13 77:21 117:9 119:8 120:10 158:17,22 163:22 165:1,4 168:23,23,24 168:25 199:16 201:2 209:23			

146:22 197:12 think 22:12 23:21 28:9 35:13 37:5,5,6 37:7 53:5 73:6 73:19 75:4,5 76:4 77:14 83:7 84:20 97:5 113:14 119:11,13 123:13 128:8 129:25 137:1 153:12 162:14 170:2 175:22 178:4 179:15 184:12 192:7 192:22 195:24 200:12 202:25 206:25 207:10 207:17,17,23 210:22 third 20:1 37:23 38:8 115:15 thought 208:25 thousand 174:23 thousands 119:6 three 6:20 25:5 38:5 59:14 71:8 76:23 82:5 84:16 97:12 102:7 103:6,7 109:4	112:7 122:4 144:11 159:7 207:12,15,23 209:4,18 throw 44:14 tightened 51:7 time 5:24 6:19 7:9,25 14:20 21:24 24:3,6 35:7 49:24 55:21,24 56:2 57:24 73:8,12 73:15 76:5 77:20,23 98:1 100:10 102:12 108:15 120:8 120:12 121:25 122:3,6 128:4 128:8 132:20 132:22 148:5 158:16,19 162:17 170:7 174:5 185:3 194:5 197:13 199:12,15,18 203:2 204:2,25 207:2,11,16 208:3 209:22 209:25 211:12 times 174:23 206:12 tipped 186:9 tips 29:20 35:24	titled 120:2 today 5:18 6:19 6:21 8:13,18 8:24 9:4 106:14 122:23 123:6,21 126:18 130:23 138:4 140:4 147:7 151:24 158:22,23 159:9 162:21 173:8,11 187:3 187:19 189:18 191:9 202:11 203:7,13 today's 8:9 127:16,22 206:6 207:1 211:11 together 37:22 193:4,9 toilet 161:8 told 49:6 118:7 154:5 209:3 took 8:3 75:1,3 79:6 163:17 212:3 tool 125:18 144:2 tools 14:7 39:10 149:3 top 18:14 26:15 39:2,3 58:3 76:21 85:7 86:19 90:4	91:7,9 97:20 116:11,24 117:2 153:2 170:17 176:23 180:4 194:20 196:13 201:7 total 122:2 194:5 touch 100:24 100:25,25 101:2,3,5,18 109:18 192:16 192:17 touches 192:24 touching 193:1 tow 196:5 towards 50:12 196:20 town 135:17 140:22 track 19:20 22:8 25:6,10 25:16 26:5 38:23,24 44:21 56:19 59:7 61:7 67:2 69:5 72:18 108:22 115:3 116:7,16 191:15,16,17 193:14 196:17 198:15,20 tracked 26:15 26:24 28:18 41:11 51:20
---	---	--	---

tracks 26:6,17 60:5,7 149:25 150:7 191:15 194:7,11,12 trade 11:12 21:4,9,18,20 22:2,4,10 123:15 151:2 159:5 trailer 20:1 71:25 72:2 121:21 transcript 4:12 4:13 transcription 212:14 transferred 145:3 146:11 148:11,13 185:4 translate 8:13 143:16,18,19 144:9 157:10 157:13 translated 9:19 9:23 124:24 125:1,2,7,15,16 143:16 206:15 translating 125:17 translation 4:9 125:17 128:11 128:11 144:2 157:4 159:22 160:5,13	181:16 205:5 205:20 translations 157:18 175:25 176:6 transposition 104:15 105:3 travel 128:16 129:1 traveled 127:3 treat 154:14 treating 161:11 treatment 154:12,22 155:11,14,15 161:11 tried 199:5 triggered 46:16 true 53:4 121:17 130:22 131:6 151:24 205:25 206:1,3 206:20 212:15 truth 206:17 212:10,11 truthfully 18:17 20:4 38:16,19 48:14 54:25 55:10 58:25 119:16 121:14 truxor 13:9,9 13:10,10,11,17 13:23,23 14:1	try 32:11 42:5 157:23 trying 119:25 125:11 178:13 182:22 187:25 tuesday 123:9 turn 48:18 100:10,11,12 116:19 166:12 166:23 167:3 169:11 turning 14:9 19:13 155:22 turns 91:19 109:13 two 25:19 26:2 26:11,22,25 27:11 30:6 34:24 42:22 45:4,6 47:11 47:18 67:23 68:2,8,14,18 71:8 80:20 81:23 82:6,7,7 85:6,8 86:18 86:21 90:6 91:6 96:10 100:22 101:6 106:9 115:10 115:11 116:6 116:14 123:13 142:16 158:2 159:7 166:13 166:25 181:6 184:7,10,10	185:7,13,15 194:23,23,23 195:7 197:21 197:23,24 198:2 twos 185:15 type 61:21 70:20 81:13 113:24 136:17 181:16 types 112:1 181:6 typical 20:10 45:9 75:7 79:9 82:24 typically 65:6 65:16
			u
			u 181:8,14 ud 11:14,16 16:15 19:2,7,9 33:5 35:19,21 36:7,24 63:11 63:13,14 66:19 68:2 70:17 71:5 120:23 121:7 152:7,10 152:10,13,14 152:17 154:21 155:10 164:2,6 164:11,14,16 164:20,22 169:14 171:8 171:17 172:18

ugly 119:1,3	129:15 131:2	158:6 166:21	60:11,16,22
ultimately 88:9	135:1,4,8	177:10 178:2,9	61:5 62:13
umwelt 10:21	140:20 144:23	178:16,18,20	64:3 65:8
152:10	152:11 154:22	179:5 183:9,13	66:23 68:20
umweltdienste	160:20 186:2,7	197:12 198:18	69:7 74:11
11:14,16 16:15	204:16,17,19	208:9	78:7 79:13,17
19:2,7,9 33:5	204:20 205:1,4	used 11:17 61:3	79:25 80:9,24
35:19,21 36:7	205:7,19,20,21	81:14 104:4	81:17,21 83:17
36:25 63:11,13	205:23	118:23 121:8	84:6 85:2,18
63:14 66:19	understands	131:7 143:18	95:18 97:9,19
68:2 70:18	125:9	144:8 149:22	101:23 112:4
71:5 120:24	understood	150:6 152:18	119:19 130:25
121:7 152:8,11	102:16 169:4	152:22 153:12	131:15 134:6
152:18 164:12	179:20	154:10,21,21	137:9 138:12
169:15 172:18	undriven 84:12	161:10 162:10	138:16,21
uncovered	uniform 150:20	171:15,17,17	139:10 140:1,8
141:16,21	uniformity	175:18 181:10	141:5,22
under 40:23	150:16	uses 158:8	144:15 146:7
41:1,4 69:25	unit 5:10	using 37:4	148:3,23
69:25 94:15	united 1:1 5:14	113:11,17	150:12 151:7
98:12,13,17	7:6 123:1,12	116:20 154:11	152:23 154:13
140:25 168:3,4	159:4 206:11	156:14 157:4,6	160:9 164:17
184:20 198:5	206:18	157:10 171:8	164:21 174:24
198:10,10,23	university	177:16 181:16	175:15 179:7
199:4 212:14	136:8	usually 149:9	183:5 187:8
underside	unside 78:17	157:13	193:17,23
101:8,21	unusual 205:7	v	195:12 197:18
understand 8:2	upper 203:5	vacuum 90:25	198:25 200:24
8:3,5,8,10,15	use 7:1,3 14:14	95:21,24	202:22 210:20
9:21 10:1,3	16:18 33:10	109:21,23	valve 27:15
12:6 23:24,24	71:9,12 96:22	110:7,7,10	42:15,15,17
23:25 24:17	116:10 119:1	vague 19:11	43:4,11,13
32:9 58:24	135:3 139:1	27:2 40:18	44:1,1,4,8,12
65:20 67:11	149:16,19	50:19 55:13	44:13,14,17,20
83:7 126:23	155:10 157:12	57:15 59:4,13	56:20 60:4,5,8

60:14,20 87:24 87:25 88:4,4 valves 42:14 45:25 46:4 60:1,3 68:10 149:22 188:23 variations 55:3 vehicle 11:21 13:11 35:20 37:9 38:11,14 38:17,20,22 39:4 40:7,9 41:12 44:21 46:4,12 48:15 50:12,13 51:21 59:1 60:13 65:23 66:18 67:9,11,21 68:1 82:3 85:17 87:11,17 87:22 88:7 96:16 100:15 101:8,21 102:4 105:17 106:5 106:22 107:4,5 107:9,16,17,23 107:24 109:14 109:23 111:3,9 111:10 116:10 116:20 118:25 119:17 153:1 156:16 160:11 160:25 165:10 171:15 174:22 175:2,14	178:11 182:18 193:14 195:8 197:17 vehicles 14:5 37:13 131:19 138:8,15 177:5 177:9 202:25 veritext 5:19 versed 77:9 version 25:4,6 26:16 28:8 52:2 59:5,9,12 59:20 124:22 125:1,12 126:10 185:10 205:16 versions 25:2 25:17 26:25 28:19 41:12 44:21 51:20 72:15 versus 5:13 vertical 92:12 97:20 113:4,10 113:22 vessel 40:1,2 59:19,21 76:22 76:24 78:13 81:3,25 100:3 100:7,25 101:4 105:24,25 106:13,15,25 video 1:12 4:4 5:7,10 16:14 17:10,13 18:16	18:18,21 19:2 19:6,8 120:1 120:18,19,20 120:22,23 121:10,12,13 121:14 127:5,8 127:10,11 129:10 142:14 153:4 162:21 162:24 163:1 163:12,14,21 163:22 164:1,5 164:12 165:1 165:21 167:14 168:20,23,23 168:24 169:2,4 169:9,9,12,16 169:20,20,23 170:8,15,24,25 171:1,8,16,20 172:2,18 173:13 182:10 182:11,12,19 211:13 212:3 videoconfere... 126:25 127:20 127:24 videographer 2:16 5:1,18 6:8 24:2,5 32:4 55:17,23 56:1 73:11,14 77:19 77:22 120:7,11 122:4 153:24 154:2 158:4,11	158:15,18 174:6 194:8 199:7,11,14,17 206:6 207:1,4 209:21,24 211:11 videos 155:3,18 173:23 view 75:12 views 195:1,8 village 140:9 141:13,23 142:2,10,16 virtually 5:4 virtue 212:7 vision 185:12 visit 123:18 136:10,11 141:24 157:19 visited 151:2 voice 208:16 vs 1:7
			w
			waiting 119:24 want 6:17 24:7 45:12 75:21 79:4 100:4 120:5 125:13 142:16 147:13 153:5,24 157:23 158:11 165:16 172:1,5 172:9,15,25 173:1 177:13 186:9 190:21

204:11,13 207:8 209:10 209:13 wanted 45:14 48:19 116:19 178:2,15,16 wants 47:15 72:11,13,22,23 77:12 85:21 95:22 110:3 116:16,22 133:14 warning 209:14 waste 154:22 161:8,11,15 176:11 177:21 178:13 180:2 wastewater 155:11,15 watched 162:21 water 25:8,21 25:25 26:2,3,9 35:25 36:3,13 36:22,23 39:10 39:14 41:6,20 45:8,12 49:23 49:25 50:6,7 50:10 67:6,8 70:24,25 71:1 71:24 72:1,2 72:14 91:13,14 93:4,6 95:22 95:24 98:12,13	98:18,19,22 99:3,4 101:10 102:13,15 105:15,22 108:19 109:9 109:11,12 110:8,9,22,25 111:7,7 112:8 112:10,11,13 118:14,22 155:14 167:7 178:17,18 179:2 182:18 186:4,6,18 189:4,7 193:20 193:22 194:2 197:22 198:1,7 wave 111:13 way 40:15 75:19 111:25 132:2 134:8 136:6 147:24 149:9 161:14 190:24 196:10 196:11 197:16 198:10 209:1 we've 41:10 51:14,14 55:17 55:18 158:4,22 161:19 201:2 201:21 202:24 wedo 123:18 weed 45:11 91:14 94:17 112:15,19	177:4,5 weeds 112:21 week 114:24 weekend 123:14 159:5 weeks 123:13 132:18 148:11 weidhauser 123:17 weight 67:14 106:17 welcome 158:21 went 31:24 48:9 58:23 80:11 136:3 153:6,8 west 123:17 whatsapp 159:10 wheel 25:8,18 59:11,15,19,21 61:3,8 63:15 68:5,10,13,17 68:22,24 72:19 76:23 78:11 81:5,11 82:13 82:14,18 83:3 83:12 84:21 86:3,11,12 99:16 114:21 118:12 192:6 192:11,14,18 198:20	wheeled 25:17 26:24 28:18 33:1 41:11 44:21 51:20,22 52:2 59:9 63:7 69:4 wheels 17:16 25:4,5,21 50:16 65:23 66:1,2,3,5,7,11 66:13,21 67:4 67:9,11 72:17 76:24 81:25 86:5 90:3 100:3 101:3,6 102:7,9,13 111:7 116:7,16 149:24 155:5 166:20 wide 52:7 66:16 wideness 66:7 wider 36:2 49:9 100:2,2 105:24 wife 159:10 witness 5:6 6:10,21 7:8,13 7:17,19 14:6 16:2,6,9,21 17:19,24 18:3 18:11 23:17,24 24:21 30:2,4 32:7,12,15 36:20 41:23 43:18 51:11
---	--	---	---

52:12 63:20	wonder 73:8	working 13:3	y
64:15 69:18	wood 94:17	14:7 20:2	yackey 2:3 3:6
73:20 75:12,15	112:15,19,21	36:11,14 37:7	3:9 6:5,5,16
75:22 76:4	word 36:20	39:10,10,14	7:12 12:5
77:18 79:23	70:15 114:3,8	42:12 43:8	13:14 14:2,16
86:15 89:2,5,8	115:25 149:19	44:2,5 67:23	14:21 16:24
90:12 114:10	150:10 153:14	77:14 90:24	17:4,11 18:22
121:3 122:17	156:23 175:6	91:24 109:10	19:4,11 20:12
124:3,14,25	175:18 180:7,9	110:23,23	21:1,5,22
125:9 126:6,8	180:21,23	120:25 129:10	22:22 23:8,13
126:15,16	181:12,20	136:10 137:12	27:2 28:22
133:8,20	wording	137:20 184:10	30:9,24 31:6
135:19 137:5	151:10	189:8 197:20	31:13 34:6,15
138:6 139:20	wordings	198:1	39:12 40:11,18
139:24 141:8	151:15	works 21:16	47:24 50:19
141:10 142:7	words 10:1,3,5	35:19 36:9	55:13 57:15,20
143:22,25	10:5 143:15	37:5 72:22	57:23 58:16
150:4 151:13	157:17 204:23	97:22 112:17	59:4,13 60:11
154:19 156:6	205:23	127:13 143:9	60:16,22 61:5
157:24 163:8	work 17:17	170:22 171:2	62:13 63:9,19
166:7 172:7	26:1 32:2,2	186:19 193:11	64:3,14 65:8
174:20 175:5	36:17,22 42:18	wrap 207:17	66:23 67:22
176:3,5 179:18	44:2,10,10	write 125:5	68:4,15,20
180:12,14,16	45:10 46:9,14	143:6,9,17	69:7,17 70:3
180:18,22	62:23 94:19	written 8:18	70:21 72:6
181:4,22 182:3	98:13,23,25	10:1,4 24:18	73:17 74:11
182:6,24	104:13 130:3	42:10 64:13	75:10,21 76:25
183:11 185:8	130:14,19	wrong 53:7	78:7 79:12,17
191:16 192:4,7	143:22,24	162:15 163:18	79:22,25 80:4
192:12 193:12	168:1 188:20	wrote 125:14	80:9,24 81:1
194:6 195:18	189:12,15	143:3 151:3	81:17,21 82:4
196:23 201:22	197:20,22	x	83:16 84:6,23
203:24 206:7	worked 35:18	xavier 119:7	85:2,18 87:2,8
207:15 209:20	118:2 139:12	xm 66:6	87:12,18 88:11
212:9,12,16	140:13		88:23 90:1,15

91:18 92:5,11	139:4,8,13	176:12,20,21	34:20 35:23
92:16 93:1,13	140:2,15 141:2	177:12,15,22	36:15 38:3,4,4
94:4,14,24	141:7,11,15,20	178:4,8 179:3	38:15,24 39:10
95:9,18 96:8	142:1,18	179:10,19	41:23 42:7,11
96:17 97:9,19	143:11,18	180:6,9,15	44:19 45:2
97:25 98:11,16	144:1,5,7,8,20	182:7,21,25	48:20 49:3,4
99:2,15,20	145:5,20,25	183:12,16,21	49:14 52:12,17
100:18 101:23	146:4,13 147:6	184:19 185:16	52:19 54:3,11
102:6,11 103:4	147:16,23	187:12,17,25	55:12 56:14
103:23 104:6	148:6,15	188:6,12,17	58:9 60:17
105:18 106:7	149:18 150:10	189:16 190:7	61:24 62:3
107:7,10,19	150:21 151:5	190:11,18,25	65:4,19 66:3
108:1 109:7,15	151:18 152:5	191:6,18	68:24 69:21
110:1,21 111:4	152:15 153:12	192:13,20	71:16 74:13,13
111:23 112:3	154:1,7,11,20	193:13,21	76:10,10 78:4
112:14 113:5	155:9,15,22	194:13 195:7	82:11 86:4
113:12,18	156:9,11,23	195:19 197:4	87:4,24 88:1
114:1 119:19	157:9 158:6,10	198:3 199:9,20	89:8 90:7,16
121:16 122:1,7	158:12,21	200:11,22	93:7 94:2
122:12,22	159:15 160:3	201:10,23	95:12,19 98:4
123:5,11	160:12 161:17	202:2,9,19	98:5 100:19
124:15 125:4	162:11,16,19	203:6,12,24	104:20 109:25
125:11,23	162:20 163:9	204:7 206:23	110:16,25
126:9,12,17	163:15,20	207:3,5,8,12,18	111:16 113:15
127:1,15,19	164:14,19,24	208:4 210:6,23	113:21 114:7
128:15,24	165:3,9,17,24	211:9	114:10 115:9
129:13 130:9	166:9,16,23	yeah 9:10,19	115:20 116:11
130:17,18,23	167:3,10,23	11:18 12:18	117:21 118:3,6
131:12,20	168:2,17 169:3	13:9 15:3,19	118:7 119:1,3
132:5,15 133:9	169:11 170:4	16:6 17:14,15	119:11 121:5,6
133:23 134:4,7	170:14 171:19	18:3 20:15,17	123:3 135:19
134:9,18 135:3	172:16 173:8	21:16 22:14,14	136:6 137:5,10
135:7,12,16,22	174:3,8,21	23:25 24:11	138:6 141:8
136:7,19 137:6	175:1,8,13,18	26:18 29:8,17	142:8 143:14
138:7,14,19	175:22 176:6	31:18 32:12,24	148:10 150:5

150:25 152:9	48:22 55:5
153:23 154:15	69:11 74:4
155:4 156:5,25	78:3 86:15
157:6,8 160:11	90:12 109:19
168:8,10 174:1	111:1 154:19
175:3,4 176:2	158:14 160:15
177:19 179:18	161:25 162:5
180:25 181:4	185:8 187:2,4
182:4 183:25	195:18 199:9
184:3 186:20	199:14 205:15
187:6 188:22	209:12
189:14,15	yesterday
191:20,21	127:8,20,25
193:3,7,12	young 2:16
194:25 196:20	5:17
196:23 197:13	youtube 170:6
198:8,14,19	170:11
203:22 204:7	z
205:5,13,24	zero 69:1 83:24
207:12 210:18	84:1,4
211:1	zoom 1:15 2:5
year 50:13	2:9,13 62:15
132:24 133:2	168:9 208:13
137:1,15	208:16 210:16
201:20	212:5
years 37:10	
118:2 125:20	
136:11 137:11	
138:1 156:19	
176:24 184:4,4	
202:16,20	
203:4	
yep 17:25 18:2	
23:15 24:14,19	
30:4,19 37:22	

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.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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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