

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

NUHN INDUSTRIES,
Plaintiff,

vs.

FILE NO. 3:22-CV-00015-SMR-HCA

BAZOOKA FARMSTAR, LLC,

Defendant.

VIDEOTAPED DEPOSITION of REINHARD SPEERSCHNEIDER, PhD

October 23, 2024

10:00 a.m.

Merchant & Gould

191 Peachtree Street, NE

Suite 3800

Atlanta, GA 30303

Reported by: Lucy C. Rateau, CCR, RPR

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Also Present:

Ruth Boggs, German Interpreter (via Zoom)

Nathan Carter, Videographer

1 VIDEOGRAPHER: Today's date is October
2 23rd, 2024 and the time is 10:06 a.m. Eastern
3 Standard Time. This will be the videotaped
4 deposition of Dr. Reinhard Speerschneider in
5 the matter of Nuhn Industries, Ltd versus
6 Bazooka Farmstar, LLC taken at Merchant and
7 Gould, PC.

8 Would counsel please identify
9 themselves for the record.

10 MR. STEMLER: This is Taylor Stemler
11 with the law firm Merchant and Gould appearing
12 on behalf of the Defendant Bazooka Farmstar,
13 LLC.

14 MR. YACKEY: This is Scott Yackey from
15 the law firm of Harness IP on behalf of
16 Plaintiff Nuhn Industries, Limited.

17 VIDEOGRAPHER: Would the court reporter
18 please swear in the witness.

19 (Ruth Boggs was sworn as the German
20 Interpreter by the Reporter.)

21
22 REINHARD SPEERSCHNEIDER, PhD
23 having been first duly sworn, testified as
24 follows:

25 MR. STEMLER: Before we start I'll note

1 for the record that we will review and sign the
2 transcript.

3 DIRECT EXAMINATION

4 BY MR. STEMLER

5 Q. Dr. Speerschneider, could you please
6 provide your full name for the record?

7 A. Yes. My name is Reinhard V.
8 Speerschneider.

9 MR. YACKEY: We can't hear you all.
10 It's virtually silent.

11 VIDEOGRAPHER: Is it okay if we go off
12 the record so that I can fix the audio?

13 MR. STEMLER: Yes.

14 VIDEOGRAPHER: The time is now 10:09
15 a.m. and we're off the record.

16 (Off the record).

17 VIDEOGRAPHER: The time is now 10:17
18 a.m. and we're on the record.

19 BY MR. STEMLER:

20 Q. Good morning, Dr. Speerschneider.

21 A. Good morning.

22 Q. Thank you for joining us here today.

23 A. Yes.

24 Q. So you just stated your full name for the
25 record. Thank you for doing that.

1 Before we kind of get into the meat of what
2 we're going to be discussing today, would you mind
3 just giving us a little bit of an idea of who you
4 are and where you're from and what you're doing here
5 today?

6 A. Yes. My name is Reinhard Speerschneider.
7 I was born in 1958. And I studied -- I was born in
8 Germany, in Luften, Germany, and I was studying
9 agriculture and environmental in Germany, Hanover.
10 And after studies and a Ph.D. I started in '92 for a
11 company, for the Farmer Association in subjects
12 about water irrigation and fertilization and ground
13 water (speaking German).

14 INTERPRETER: Pollution.

15 A. Yes, groundwater pollution; so subjects
16 between environmental and agriculture.

17 So then I changed in 1949, which was a
18 company (speaking German) Farmer Association near
19 Frankfurt. And there we are doing subjects about
20 recycling sewage sludge on fields for fertilizer.

21 REPORTER: I didn't understand that.
22 Recycling what?

23 A. Sewage sludge, slurry.

24 Q. Sewage sludge?

25 A. Yes, sewage sludge from wastewater

1 treatment plants to the fields, because they're very
2 nutritious. But on the other side they also have --
3 could have bad things like heavy metals and so on.
4 And the Farmer Association involves around this
5 company to have knowledge about and to make sure
6 that the farmers get only the best stuff.

7 So the main thing was to develop a quality
8 management system that was to get into there and
9 specialize for this environmental and agricultural
10 things.

11 And then we started later on cleaning the
12 ponds, which was -- started in Germany to be a
13 subject in the late '90s. So it was to get into
14 this -- and doing this and starting -- getting the
15 chief or president of UD Umwelt-Dienste in 2002.

16 Q. Could you say the name of that company once
17 more?

18 A. Yes. It's UD, U-D, Umwelt-Dienste.

19 Q. And we'll be saying that company quite a
20 bit, so maybe you can spell it for the court
21 reporter as well.

22 A. The same name, to repeat?

23 Q. Yes. Spell it out.

24 A. Spell it out, yes. It's U-D, the initials,
25 and then it's U-M-W-E-L-T, minus, D-I-E-N-S-T-E.

1 Q. Thank you. So you were president of UD
2 Umwelt-Dienste.

3 A. Yes, up to the year 2017. Since that time
4 I'm not anymore employed. I'm retired.

5 Q. Do you do anything in your retirement now?

6 A. I'm doing as a volunteer working for a
7 natural protecting club who makes research about
8 nature and also protection measurements to protect
9 the nature in the area of -- near the area I live.
10 It's an old company and being there mostly in
11 administration --

12 Q. Thank you.

13 A. -- because I have experience in this.

14 Q. And what are you doing here today, Dr.
15 Speerschneider?

16 A. I got -- was asked by you in the beginning
17 of the year about some documents we used for
18 advertising and showing our special techniques in
19 cleaning ponds. And after I recognized the
20 different pictures and videos you showed me, you
21 asked me if I can make a kind of declaration about
22 it. And I did it in April, in Germany. That I'm
23 here was more or like not planned, because I did
24 make my declaration and thought it's finished. Now
25 it seems to be complicated, so at the end you asked

1 me if I would like or I would help to make my
2 declaration here in the U.S., and Atlanta would be a
3 good place connecting very well to Frankfort by
4 plane.

5 Q. Well, we thank you very much for coming
6 here today and taking the time to do this.

7 Now I would like to get -- You mentioned
8 your declaration, and I would like to ask you a few
9 questions about that declaration.

10 I'm going to introduce that declaration as
11 an exhibit now.

12 (Exhibit 41 marked.)

13 MR. STEMLER: Scott, I just introduced
14 that exhibit. Do you see it all right?

15 MR. YACKEY: Yes, I do. Just to
16 clarify, I see it through my Exhibit Share.

17 MR. STEMLER: Okay. I can go ahead and
18 introduce it -- share my screen on Zoom too if
19 that would be helpful.

20 This is Exhibit Number 41, introduced
21 as Defendant's Exhibit 41. It looks like I'm
22 not allowed to share my screen. I can just
23 state for the record I have up here Defendant's
24 Exhibit 41.

25 Q. Dr. Speerschneider, have you seen this

1 document before?

2 A. Yes, uh-huh (affirmative).

3 Q. What is this document?

4 A. This is my declaration I signed in April
5 this year.

6 Q. Have you read this document?

7 A. Yes.

8 Q. And if I scroll down here to page number
9 five, is that your signature on this document?

10 A. Yes, that's my signature.

11 Q. I would like to ask you a few questions
12 about some of what's written in the document now.

13 First, how old are you and where do you
14 live?

15 A. I'm now 66 years old, and I live in
16 Rinnthal in Germany. It's R-I-N-N-T-H-A-L, a small
17 village.

18 Q. And now I'll ask you about paragraph two.
19 Where were you employed between 2002 and 2017?

20 A. I was employed at UD Umwelt-Dienste.

21 Q. And now about paragraph three. What did
22 you do while you were President of UD
23 Umwelt-Dienste?

24 A. I was President. (Speaking German).

25 INTERPRETER: As President of UD

1 Umwelt-Dienste I was responsible for the
2 operation or the use of the SenwaTec Amphi-King
3 vehicle.

4 A. Especially (speaking German).

5 INTERPRETER: Especially in sewage
6 slurry lagoons, to pump out sewage slurry.

7 Q. Do you have any financial interest in this
8 dispute?

9 A. (Speaking German).

10 INTERPRETER: I have no financial
11 interest in the outcome of this proceeding.

12 Q. Can you tell me about UD Umwelt-Dienste's
13 marketing materials?

14 A. (Speaking German)

15 Q. And maybe break it up so we can do
16 sections.

17 INTERPRETER: According to my knowledge,
18 before 2002 our job was to inform the public
19 about this.

20 Q. In 2002; is that correct?

21 A. I think, yes, it's correct, especially the
22 amphibia, kind of amphibia I mentioned.

23 Q. How about before 2013?

24 A. Excuse me?

25 Q. How about before 2013?

1 A. (Speaking German)

2 INTERPRETER: Before 2013 it was common
3 practice at UD to make marketing materials
4 publicly available or accessible.

5 A. (Speaking German)

6 INTERPRETER: For example, by
7 distributing them to potential customers and
8 also by publicizing them on the website.

9 A. (Speaking German)

10 INTERPRETER: Customers or potential
11 customers wanted to have information prior to
12 2013.

13 A. (Speaking German)

14 INTERPRETER: I'm sorry. I'm having an
15 issue here.

16 Q. How about you repeat that?

17 A. I'll repeat it, yes. (Speaking German)

18 INTERPRETER: Sewage sludge (audio
19 difficulties) I'm sorry.

20 MR. STEMLER: Do you need a second?
21 Should we go off the record, Ruth?

22 INTERPRETER: I'm just going to turn off
23 my -- I turned everything off and I don't know
24 why it's still ringing. Okay. I'm sorry.

25 Q. Would you mind stating that section again?

1 A. (Speaking German).

2 INTERPRETER: The sewage slurry lagoons
3 and demonstrations about the services of UD
4 Umwelt-Dienste.

5 A. (Speaking German).

6 INTERPRETER: So if customers requested
7 this information, they were given that free of
8 charge and without any limitations as to
9 secrecy restrictions.

10 A. (Speaking German)

11 INTERPRETER: So prior to 2013 it
12 happened repeatedly.

13 A. (Speaking German)

14 INTERPRETER: That the customers of UD
15 Umwelt-Dienste would report problems with their
16 facilities.

17 A. (Speaking German)

18 INTERPRETER: And UD Umwelt-Dienste
19 discussed this issues with its customers and
20 provided them with a USB stick with marketing
21 information.

22 A. (Speaking German)

23 INTERPRETER: And you will find screen
24 shots of those materials in Attachment A.

25 Q. And, Dr. Speerschneider, if I scroll down

1 to page 7 through 8, 9, 10, 11 of this exhibit, are
2 those the screen shots that you're referring to?

3 A. Yes, that's one of the screen shots.
4 That's all screen shots of UD Umwelt-Dienste.

5 Q. Of the marketing video?

6 A. Yes.

7 Q. Thank you.

8 Is there anything else about UD
9 Umwelt-Dienste's marketing materials you can share?

10 A. (Speaking German)

11 INTERPRETER: We also produced our own
12 marketing materials that described the services
13 and as far as sewage slurry lagoon treatments.

14 Q. For example (speaking German).

15 INTERPRETER: For example, the pumping
16 off and the removal.

17 A. (Speaking German)

18 INTERPRETER: So Attachment A includes
19 screen shots from a marketing video for the
20 environmental services -- for the services
21 offered by UD Umwelt-Dienste as far as sewage
22 slurry stirring and pumping using the
23 Amphi-King.

24 A. (Speaking German)

25 INTERPRETER: This was prepared prior to

1 2013 and publicly distributed.

2 A. (Speaking German)

3 INTERPRETER: And I am personally aware
4 of knowledge of this marketing video.

5 Q. Looking at Exhibit A to your declaration,
6 is there anything else that you can tell me about
7 that exhibit?

8 A. (Speaking German)

9 INTERPRETER: Go ahead.

10 A. (Speaking German)

11 INTERPRETER: So Attachment A is a true
12 and genuine copy of a series of screen shots
13 from a marketing video that UD Umwelt-Dienste
14 published in 2012.

15 A. (Speaking German)

16 INTERPRETER: The screen shots shown in
17 Attachment A are a true and genuine
18 representation of the marketing video of UD
19 Umwelt-Dienste.

20 A. (Speaking German)

21 INTERPRETER: I chose Eckhard Funck.

22 A. (Speaking German).

23 INTERPRETER: He's a former employee of
24 UD Umwelt-Dienste.

25 A. (Speaking German)

1 INTERPRETER: It shows how he operates
2 the Amphi-King in a sewage slurry lagoon and
3 how he pumps off sewage slurry, in the year
4 2012.

5 Q. When was that marketing video created?

6 A. (Speaking German).

7 INTERPRETER: UD Umwelt-Dienste prepared
8 or created the marketing video shown in
9 Attachment A prior to May 7, 2012.

10 A. (Speaking German)

11 INTERPRETER: And this marketing video
12 was shown at the trade -- the Ifat Trade Fair
13 in Munich from May 7 to May 11, 2012.

14 A. (Speaking German)

15 INTERPRETER: The Ifat is a huge trade
16 fair. In my opinion it's the worldwide trade
17 fair for water, wastewater, waste and raw
18 materials in the stream.

19 A. (Speaking German)

20 INTERPRETER: My estimate is that about
21 100,000 people visited the Ifat Trade Fair in
22 the year 2012.

23 Q. How do you know that the video was shown at
24 the Ifat Trade Show in 2012?

25 A. (Speaking German)

1 INTERPRETER: I personally saw that
2 video on the TV screens at the exhibit of UD
3 Umwelt-Dienste at the Ifat Trade Fair in May
4 2012.

5 A. (Speaking German)

6 INTERPRETER: Hundreds of visitors
7 passed by the exhibit and saw how the video was
8 running.

9 A. (Speaking German)

10 INTERPRETER: For the visitors to the
11 trade fair who saw the video, there were no
12 restrictions as to confidentiality, and they
13 were free to take notes or take pictures or
14 make videos of the video in Attachment A as
15 they pleased.

16 A. (Speaking German)

17 INTERPRETER: You can find a copy of the
18 marketing video with the screen shots in
19 Attachment A under a certain YouTube link.

20 A. (Speaking German)

21 INTERPRETER: The video shown under that
22 link is the same video that was publicly shown
23 at the Ifat Trade Fair in May 2012.

24 Q. Dr. Speerschneider, is that link that
25 you're referring to, is that the same link that's

1 included in paragraph nine of your declaration that
2 we're looking at?

3 A. Yes, that's the same thing in the
4 declaration, yes.

5 Q. How else was the marketing video shown
6 publicly before August 2013?

7 A. (Speaking German)

8 INTERPRETER: Following the Ifat Trade
9 Fair, still before August 2013, USB sticks with
10 a copy of the video were sent to many of UD
11 Umwelt-Dienste's interested customers.

12 A. (Speaking German)

13 INTERPRETER: And they also included
14 without limitation the EWE Wasser GmbH.

15 A. (Speaking German)

16 INTERPRETER: There were no secrecy
17 restrictions for those who saw the video at the
18 trade fair or who were sent later a copy of the
19 video.

20 Q. Can you tell me anything about the
21 Amphi-King vehicle?

22 A. (Speaking German)

23 INTERPRETER: I personally know about
24 the Amphi-King vehicle and its properties.

25 A. (Speaking German)

1 INTERPRETER: As shown in the screen
2 shots of the marketing video by UD Umwelt in
3 Attachment A, UD Umwelt-Dienste has used the
4 Amphi-King in 2013 and even before then on
5 multiple occasions.

6 A. (Speaking German)

7 INTERPRETER: The Attachment B is a true
8 and correct representation of the Amphi-King
9 amphibious vehicle.

10 A. (Speaking German)

11 INTERPRETER: It describes how UD
12 Umwelt-Dienste maneuvers with it in sewage
13 slurry lagoons.

14 A. (Speaking German)

15 INTERPRETER: In order to stir sewage
16 slurry lagoons and pump sewage slurry out of
17 the lagoons and that sewage slurry is then used
18 as fertilizer on agricultural fields.

19 A. (Speaking German)

20 INTERPRETER: And that is represented
21 and described in the marketing video, the
22 screen shots of which are enclosed in
23 Attachment A.

24 Q. And, Dr. Speerschneider, how do you know
25 this?

1 A. (Speaking German)

2 INTERPRETER: I personally observed the
3 Amphi-King vehicle.

4 A. (Speaking German)

5 INTERPRETER: When observing the
6 Amphi-King vehicle, I personally saw --

7 A. (Speaking German)

8 INTERPRETER: -- that the pump comprises
9 a housing with a lower liquid inlet and an
10 impeller.

11 A. (Speaking German)

12 INTERPRETER: That is the drive shaft --

13 A. (Speaking German)

14 INTERPRETER: -- in order to get the
15 impeller to rotate.

16 A. (Speaking German)

17 INTERPRETER: I also personally noticed
18 that the Amphi-King vehicle has six air-filled
19 tires, air-inflated tires.

20 A. (Speaking German)

21 INTERPRETER: These functions are also
22 shown in the marketing video, the screen shots
23 of which are enclosed as Attachment A.

24 Q. Is there anything else that you can tell me
25 about what you observed with regard to UD

1 Umwelt-Dienste's use of the Amphi-King?

2 MR. YACKEY: Objection, form.

3 A. (Speaking German)

4 INTERPRETER: I also personally observed
5 that the pump can work with a variable flow
6 rate.

7 A. (Speaking German)

8 INTERPRETER: UD Umwelt-Dienste used the
9 pump with the variable flow rate to stir the
10 sewage slurry in the sewage slurry lagoon and
11 to pump the sewage slurry out of the sewage
12 slurry lagoon --

13 A. (Speaking German)

14 INTERPRETER: -- in order to apply it to
15 agricultural fields.

16 A. (Speaking German)

17 INTERPRETER: I personally observed how
18 UD Umwelt-Dienste sprayed the sewage slurry
19 from the sewage slurry lagoon into the air and
20 back onto the sewage slurry lagoon --

21 A. (Speaking German)

22 INTERPRETER: -- in order to break up
23 the surface crust of the sewage lagoon.

24 Q. Thank you. Now, Dr. Speerschneider, I
25 would like to scroll down to Exhibit B to your

1 declaration, which is on pages 13 through 15. I
2 have some of those pages pulled up here on the
3 screen. Do you see Exhibit B?

4 A. Yes, I do.

5 Q. Can you describe the Amphi-King that UD
6 Umwelt-Dienste owned before 2013?

7 A. In the upper right picture you see that the
8 Amphi-King that UD Umwelt-Dienste used and you'll
9 see the driver is Eckhard Funck, employed by UD
10 Umwelt-Dienste.

11 Q. And when you're talking about the upper
12 right picture, you're talking about the upper right
13 picture on the page labeled BAZ150025662, right?

14 A. Yes, that's true. Yes.

15 Q. Okay. And specifically what about that
16 upper right-hand picture is it about the vehicle
17 that's different from the left picture?

18 A. You see -- on the left picture you see a
19 vehicle which has chains, driving chains, and our
20 Amphi-King was used with six wheels.

21 Q. How many Amphi-Kings did UD Umwelt-Dienste
22 own?

23 A. We owned one Amphi-King.

24 Q. Did you own any other amphibious vehicles?

25 A. We did own, before we bought the Amphi-King

1 we had, before 2010, we had some small amphibia
2 without a pump, just to stir -- to mix the (speaking
3 German).

4 INTERPRETER: To loosen up the slurry,
5 the sludge.

6 A. (Speaking German)

7 INTERPRETER: We (audio interference)
8 with a farmer who already had an amphibious
9 vehicle similar to the Amphi-King.

10 A. Which was made from the Conver.

11 REPORTER: Made from what?

12 Q. Conver, I believe?

13 A. Conver. It's another company from the
14 Netherlands, and they have such amphibia also.

15 Q. And can you spell Conver for the court
16 reporter?

17 A. C-O-N-Y-E-R.

18 Q. V-E-R.

19 A. V-E-R.

20 Q. Was the Amphi-King similar to that Conver
21 vehicle?

22 A. It was nearly similar, but the main idea
23 was that it was much lighter. The Conver was very
24 heavy. It was up to five tons, which means, in
25 Germany, that you have a special driver's license.

1 And the Amphi-King was made of aluminum and the
2 project is less than 2.5 tons. So you can drive it
3 like a car.

4 Q. What about those two vehicles were similar?
5 What about the Conver vehicle was similar to the
6 Amphi-King vehicle?

7 A. The Conver has also -- they have two types
8 of Convers. One was also with six tires, which it
9 works like the Amphi-King. Then they had -- the
10 farmer has another with chains. And we found out
11 the best working is with the tires.

12 Q. You mentioned that UD Umwelt-Dienste used
13 the Amphi-King vehicle to pump sewage slurry?

14 A. Yes.

15 Q. Can you tell me about the pump on the
16 Amphi-King?

17 A. (Speaking German)

18 INTERPRETER: It's attached.

19 A. (Speaking German).

20 INTERPRETER: It has an arm in the
21 front, a scooper arm in the front.

22 A. (Speaking German)

23 INTERPRETER: And it has different
24 impellers.

25 Q. Was the pump on the Amphi-King similar to

1 the pump on the Conver vehicle?

2 A. No, it was the same product. Because the
3 Conver, we made the first experience in the
4 beginning of 2000 to 2010, and we know this pump for
5 our -- was most useful for our purposes.

6 Q. So the pump on the Conver vehicle was the
7 same as the pump on the Amphi-King vehicle?

8 A. The same, yes.

9 Q. I see. All right, I'm going to introduce
10 another exhibit.

11 Sorry. I'm loading here still. Here we
12 go.

13 (Exhibit DX 35 marked.)

14 Q. Dr. Speerschneider, I'm showing you an
15 exhibit that's been marked as DX 35. Do you see
16 this exhibit?

17 A. Yes, I see.

18 Q. Do you recognize this document?

19 A. Yes. I see it's -- once more, it's the
20 Amphi-King we used. It's our Amphi-King, because it
21 was our employee, Eckhard Funck, on it.

22 Q. Is Eckhard Funck the man that is in the
23 vehicle on page one of this exhibit?

24 A. Yes. This is our photo of the -- a photo
25 from UD Umwelt-Dienste.

1 Q. I see this document says SenwaTec on the
2 cover of it.

3 A. Yes.

4 Q. Why is the UD Umwelt-Dienste employee
5 Eckhard Funck on the cover of the SenwaTec document?

6 A. SenwaTec produces the Amphi-King in this
7 specification. They asked us if he can -- if they
8 can use our pictures for advertisement.

9 Q. Did UD Umwelt-Dienste purchase the
10 Amphi-King from SenwaTec? Did UD Umwelt-Dienste buy
11 the Amphi-King from SenwaTec?

12 A. Yes, they did.

13 Q. Did UD Umwelt-Dienste help design any part
14 of the Amphi-King?

15 A. Yes. It was especially using the pump and
16 specification, the tires, because -- you have to use
17 the pump for special different materials, materials
18 in the nature and sewage sludge in lagoons are very
19 different, so you get a wide variety. And the other
20 thing is that the tires has to loosen up the mud or
21 the slurry. And, also, the ground of the ponds,
22 they're often not very stable, so you don't have to
23 put much pressure down like in agriculture. So we
24 know from our agriculture knowledge that you have to
25 have specialty tires with low pressure to give low

1 pressure on the ground, don't destroy the ground.

2 Q. How did UD Umwelt-Dienste learn about the
3 pump that it selected for the Amphi-King?

4 A. It's learning by doing. We started very
5 simple with cleaning ponds at the end of '90s. They
6 had this pond and they're starting this pond
7 program. This was not a problem before because this
8 ponds were finished at this time where they built 10
9 years before. Nobody had any idea at the time how
10 to clean up the ponds. Nobody thought about it
11 before and a lot of kind of problems we have to
12 solve for it. So in the beginning very easily they
13 started -- we started -- we asked the fire brigade
14 to loosen up the mud. And we put in the pump, which
15 was normally used for manure in farming. Because
16 farmers have these kind of pumps, so we see it
17 works.

18 And then we found it's not very hygenic to
19 get into the --

20 REPORTER: It's not very?

21 A. Hygenic.

22 Q. Hygenic.

23 INTERPRETER: Hygenic.

24 A. Maybe you can correct me.

25 And so it's not very clever to dilute the

1 sewage slush and have a big volume and lots of cost
2 to transportation and everything. So we got the
3 idea what the problem is. And the thought was -- I
4 always explain it to my clients, like you're being
5 in the kitchen. You're cooking a pudding. And when
6 it's cold it's sticky. It's not liquid. But you
7 can get -- easily get it liquid just to stir it, and
8 then you can pump it. That was the idea, and I
9 think it's the same mechanism about this, to find
10 something that you don't put water, more water to
11 the sludge just to put more mechanical energy into
12 it.

13 Q. So the idea was to, rather than add water
14 to the ponds, you stirred the ponds up using the
15 pumps and the Amphi-King vehicle?

16 A. Yes.

17 MR. YACKEY: Objection to the form.

18 A. And the other things also maybe with the
19 Amphi-King, it can swim and it can drive. So these
20 ponds are often in nature areas. There are not
21 really good streets to the pond. You can't get with
22 heavy machines to the pond. But with the
23 Amphi-King, with the low-pressure tires you can
24 drive to the pond, get in without making any --
25 destroy something, and then pump it as long as you

1 like, the sewage slurry.

2 Q. So before putting the dredge pump on the
3 Amphi-King had UD Umwelt-Dienste used that pump in
4 sewage ponds before?

5 A. Not -- we've used other pumps in sewage
6 slurry, especially the pumps specially for manure.
7 But they have to be very good ones. There's a brand
8 which was very resistive against heavy sludge.

9 Q. Did the pump on the UD Umwelt-Dienste --
10 I'm sorry. Strike that.

11 Did the dredge pump on the Amphi-King work
12 better than those other manure pumps you used in the
13 past?

14 A. Yes. They're much, much stronger than the
15 other pumps. It's much more efficient than the
16 other pumps.

17 Q. Could it pump a thicker material?

18 A. Yes. We found out -- we measured the dry
19 matter during the process all the time when we go
20 into agriculture, and we found out that we got up to
21 20 percent of dry matter content, depending on the
22 material.

23 (Exhibit 38 marked.)

24 MR. STEMLER: I'm going to introduce
25 another document. So this is a

1 previously-marked document marked as
2 Defendant's Exhibit 38. I see when I'm
3 introducing it it's marking it as Exhibit 43.
4 I'll note for the record that this is marked as
5 Defendant's Exhibit 38 and that's how we're
6 going to refer to it.

7 BY MR. STEMLER:

8 Q. Dr. Speerschneider, I'm showing you what's
9 been marked as Defendant's Exhibit 38. Do you see
10 this document?

11 A. Yes. I know.

12 Q. So you mentioned that UD Umwelt-Dienste
13 purchased the Amphi-King from SenwaTec. Was that
14 before 2013?

15 A. Before 2013, yes.

16 Q. Do you recognize this document that I'm
17 showing you on the screen?

18 A. Yes. Uh-huh (affirmative). It was part of
19 (speaking German).

20 INTERPRETER: It was part of the
21 purchasing documents.

22 Q. Have you seen this document before?

23 A. Yes, I remember.

24 Q. Have you seen other documents like this
25 before?

1 A. I have also different documents. I can't
2 remember every one.

3 Q. But this document was part of the
4 transaction from when you purchased the Amphi-King?

5 A. This is one of the main documents which
6 described... (Speaking German)

7 INTERPRETER: It's a specification that
8 describes what we want and how it's going to be
9 executed.

10 Q. Do you know who created this document?

11 A. The document was made by Mr. Hauer, who was
12 working for us as a freelancer and was responsible
13 for all technical things around pumping and the
14 Amphi-King and amphibia, and together with Mr.
15 Schroer, the owner of SenwaTec.

16 Q. Do you know how Mr. -- I believe his name
17 is Hauer, your employee, do you know how he got the
18 information to put in this document?

19 A. (Speaking German)

20 INTERPRETER: He had a lot of experience
21 also with the Conver.

22 A. (Speaking German)

23 INTERPRETER: And based on his
24 experience he determined what specifications we
25 need for the Amphi-King.

1 Q. Do you know whose signature is at the last
2 page, the bottom of the last page of this document?

3 A. That's the signature of Mr. Schroer, the
4 owner of SenwaTec.

5 Q. Can you spell his name?

6 A. Like you see, Schroer, underneath.

7 Q. It looks like that's spelled S-C-H-R-O-E-R.

8 Is that the man that you were working with
9 when you purchased the Amphi-King?

10 A. Yes.

11 Q. Were you involved in purchasing the
12 Amphi-King?

13 A. I was involved. (Speaking German)

14 INTERPRETER: I was involved in the
15 administrative matters, and as the manager of
16 the company and Mr. Hauer and the other people
17 did the technical aspects, handled the
18 technical aspects of it.

19 Q. Do you remember how much the Amphi-King
20 cost?

21 A. I don't know exactly anymore. I should
22 know. But so to say I think at least 40, 50,000
23 Euros.

24 Q. Was that a pretty big purchase for UD
25 Umwelt-Dienste?

1 A. Yes, it was for our company, it was a big
2 purchase because we didn't have such big techniques
3 before. We mostly cooperated with... (Speaking
4 German)

5 INTERPRETER: So we mostly cooperated
6 with big agricultural companies who have big
7 machines and do work for others.

8 A. (Speaking German)

9 INTERPRETER: As an example with the
10 Conver.

11 Q. Can you tell me what the first part of this
12 document says on the first page?

13 A. (Speaking German)

14 INTERPRETER: It shows that we're making
15 a down payment of 30 percent of the purchase
16 price, which the Assure company already
17 received.

18 A. (Speaking German)

19 INTERPRETER: And that description
20 includes the technical specifications and
21 basics of the unit.

22 A. (Speaking German)

23 INTERPRETER: And those are the
24 specifications that are supposed to ensure the
25 proper functioning of the amphibious vehicle.

1 Q. Is that how the transaction went down when
2 you purchased the vehicle from SenwaTec, was there a
3 30 percent down payment?

4 MR. YACKEY: Objection, form.

5 A. Yes.

6 BY MR. STEMLER:

7 Q. Did UD Umwelt-Dienste make a 30 percent
8 down payment for the Amphi-King?

9 A. It's written that he got the 30 percent
10 down payment.

11 Q. So that's correctly written?

12 A. It's correct, yes.

13 Q. This document has a delivery date written
14 on it, right?

15 A. Yes. You see the last sector, it was
16 thought that -- said that we got it on the 8th of
17 July in 2010. And they tried to do it, but they
18 told that they have problems by delivery -- by
19 getting the parts, so it might be that the date
20 would be later.

21 Q. Was the date later?

22 A. Yes, it was.

23 Q. About when did they deliver it?

24 A. I can't remember.

25 Q. Was it before 2013?

1 A. Yes, of course. I think it was the end of
2 2010, beginning of 2011.

3 Q. Okay. You mentioned that there's some
4 technical specifications written in this document.
5 Are those written below this Heading 1 here on page
6 one?

7 A. The first is about the engine. It shows
8 how much -- what kind of engine is, the Kubota
9 engine and... (Speaking German)

10 INTERPRETER: Performance.

11 A. (Speaking German)

12 INTERPRETER: It's just that the motor
13 is also suitable to work on inclined surfaces,
14 so on hills, so it doesn't run dry.

15 Q. Does this document say anything about the
16 number of wheels on the vehicle?

17 A. (Speaking German)

18 INTERPRETER: It says that it's a
19 hydraulic six-part drive with rubber wheels.

20 A. (Speaking German)

21 INTERPRETER: It has a specification
22 XM108.

23 A. (Speaking German)

24 INTERPRETER: And it's the tire size
25 340 --

1 A. (Speaking German)

2 INTERPRETER: -- slash 65, R18.

3 A. (Speaking German)

4 INTERPRETER: And it also says that it
5 has diameter of 918 millimeters.

6 A. (Speaking German)

7 INTERPRETER: And a tire width of 323
8 millimeters.

9 Q. Does this document indicate whether the
10 tires were filled with air?

11 MR. YACKEY: Objection, form.

12 A. (Speaking German)

13 INTERPRETER: Yes. It says it has air
14 tire pressure of a maximum of one bar.

15 Q. Let me rephrase my question. What does
16 this document say about the tire pressure of the
17 vehicle?

18 A. The tire pressure is maximum one BAR, which
19 is very low. For instance, cars have 2.5 BARS.

20 Q. What were the tires filled with?

21 A. Excuse me?

22 Q. What were the tires filled with?

23 MR. YACKEY: Objection, form.

24 A. With air.

25 BY MR. STEMLER:

1 Q. Were those tires -- did those tires float?

2 MR. YACKEY: Objection, form.

3 A. I don't understand. (Speaking German)

4 INTERPRETER: Yes, they did contribute
5 to floating.

6 Q. Does this document correctly describe the
7 Amphi-King vehicle that UD Umwelt-Dienste purchased
8 from SenwaTec?

9 MR. YACKEY: Objection, form.

10 A. As far as I know everything fits what we
11 like to have.

12 MR. STEMLER: Scott, could you state the
13 basis for your objection?

14 MR. YACKEY: Just your question was
15 vague.

16 MR. STEMLER: Okay.

17 A. Should I go on? Because there is something
18 very important. (Speaking German)

19 INTERPRETER: So in difficult terrain
20 you can adjust the speed and you can reach a
21 speed of up to 60 kilometers per hour.

22 A. (Speaking German)

23 INTERPRETER: And it has an incline
24 capability of a maximum of 30 percent.

25 A. It's important, to get in and out of the

1 ponds.

2 Q. Could you clarify what you just said about
3 the speed of the vehicle?

4 A. I don't understand what you mean.

5 Q. Does this document say anything about how
6 fast the vehicle could operate?

7 A. On the street and normal ground it gets up
8 to 15 kilometers per hour.

9 Q. 15?

10 A. 15 kilometers per hour was maximum speed on
11 the street.

12 Q. Could the vehicle drive less than 15
13 kilometers per hour?

14 A. Yes. From zero to 15.

15 Q. Does this document indicate whether there
16 was a dredging pump on the vehicle?

17 A. Yes. Go up higher, higher, higher. No,
18 not on this part. It shows the measure of the
19 Amphi-King. (Speaking German)

20 INTERPRETER: The dimensions of the
21 Amphi-King and (speaking German).

22 A. (Speaking German).

23 INTERPRETER: Oh. The body of the boat
24 was (speaking German).

25 A. (Speaking German)

1 INTERPRETER: The body of the boat was
2 3.80 meters long and 1.27 meters wide.

3 A. (Speaking German)

4 INTERPRETER: What's important is that
5 it has a maximum weight of 2,500 kilograms, so
6 it's 2.5 tons.

7 A. (Speaking German)

8 INTERPRETER: So it says that this is
9 the weight including the operating materials
10 and the Doda sludge pump.

11 Q. Dr. Speerschneider, you mentioned that this
12 document was prepared by -- prepared in part by Mr.
13 Hauer earlier.

14 A. Mr. Hauer and I see here also Mr. Funck was
15 involved.

16 Q. Was it Mr. Hauer's job to create documents
17 like this?

18 MR. YACKEY: Objection, form.

19 A. Yes, to make specification and to prepare
20 the tech documents, technical documents.

21 Q. Let me ask the same question in another
22 way. What was Mr. Hauer's job?

23 A. Mr. Hauer was engineer and responsible for
24 all the technical parts of -- the techniques for the
25 wastewater pond treatment.

1 Q. Was it normal for Mr. Hauer to prepare
2 documents for purchasing equipment?

3 A. Yes.

4 Q. Dr. Speerschneider, this document includes
5 a date at the top of it. Do you see that?

6 A. Yes. It's 18 June 2010.

7 Q. What is the significance of that date?

8 A. This document, it's a letter -- it was
9 finished on this date, from Mr. Schroer to UD
10 Umwelt-Dienste.

11 Q. Was it typical for SenwaTec and UD
12 Umwelt-Dienste to prepare documents with dates on
13 the top like this?

14 A. Yes.

15 Q. What did those dates indicate?

16 A. It indicates the date when the document was
17 finished.

18 Q. This document also includes an address at
19 the upper left; is that right?

20 A. Yes. That was the address of UD
21 Umwelt-Dienste, at my old place where we run the
22 office in the (speaking German). We had other
23 offices. But this office was in that case
24 responsible for this Amphi-King.

25 Q. So you lived at this address at the time?

1 A. Yes.

2 MR. STEMLER: I would like to take a
3 quick five-minute break here.

4 VIDEOGRAPHER: The time is now 11:22
5 a.m. and we're off the record.

6 (Off the record).

7 VIDEOGRAPHER: The time is now 11:29
8 a.m. and we're on the record.

9 BY MR. STEMLER:

10 Q. Dr. Speerschneider, we spoke earlier about
11 how UD Umwelt-Dienste used the Amphi-King. Can you
12 clarify whether any of those uses of the Amphi-King
13 were in public?

14 A. I don't understand.

15 Q. Were they in public places?

16 MR. YACKEY: Object to form.

17 INTERPRETER: (Speaking German).

18 A. Yes, doing the projects in wastewater
19 ponds. Most of the wastewater ponds belonged to
20 villages, surrounded by villages. And we made it
21 public. We invited people.

22 Q. Was that before 2013?

23 A. Yes.

24 (Exhibit 39 marked.)

25 Q. I'm showing you here some pictures that

1 have been introduced as Defendant's Exhibit 39. Do
2 you see what I'm showing you?

3 A. Yes, I see.

4 Q. Do you recognize the photo in this
5 document?

6 A. Yes. It was during the building process.

7 Q. What's that last part?

8 A. It was during the building process at
9 Schroer (speaking German)

10 INTERPRETER: During the building
11 process at Schroer GmbH.

12 A. GmbH, yes.

13 Q. SenwaTec, right?

14 A. SenwaTec, yes.

15 Q. What are these pictures showing?

16 MR. YACKEY: Objection, form.

17 BY MR. STEMLER:

18 Q. What do these pictures show?

19 A. It shows the body and the wheels, front,
20 and it shows the (speaking German).

21 INTERPRETER: The crane --

22 A. The crane, yes, for holding the pump,
23 affixing the pump.

24 Q. What vehicle is shown in these pictures?

25 MR. YACKEY: Objection, form.

1 A. This is the Amphi-King.

2 Q. Do these photos truly and accurately
3 describe the Amphi-King vehicle in various stages of
4 assembly that was sold before 2013?

5 A. Yes.

6 MR. YACKEY: Objection, form.

7 BY MR. STEMLER:

8 Q. Was it normal for SenwaTec to send
9 Umwelt-Dienste pictures of its progress as it built
10 the Amphi-King?

11 A. It was part of the (speaking German).

12 INTERPRETER: That was part of the deal,
13 that they provide us with pictures from time to
14 time so we can see the progress and we can
15 discuss it.

16 A. (Speaking German)

17 INTERPRETER: And we took some of the
18 pictures ourselves, some of our people who
19 visited SenwaTec on site in order to see the
20 progress.

21 Q. And were those pictures like the pictures
22 that are shown here in Exhibit 39?

23 A. Yes.

24 Q. Did you ever have any meetings to discuss
25 the progress of the Amphi-King as it was being

1 built?

2 A. Yes, we had several meetings to discuss
3 from the beginning what we like to have, up to
4 several things.

5 Q. Were you involved in those meetings?

6 A. Yes.

7 Q. Who else was there?

8 A. It was mostly Mr. Hauer and Mr. Funck.

9 Q. What kind of things did you review at those
10 meetings?

11 A. They told me all the technical questions or
12 solutions and, of course, how much it would cost.
13 And my part was to say it's okay, you do it and we
14 pay.

15 Q. Sure. You mentioned earlier that there
16 were six wheels on the Amphi-King?

17 A. Yes.

18 Q. Do you know how those wheels were driven?

19 A. They're driven by specialty for each wheel,
20 a wheel motor. And this was hydraulic motors, which
21 was mainly driven -- got pressure, hydraulic
22 pressure by the center -- diesel motor like the
23 Kubota that was mentioned in the paper.

24 Q. Do you know how many of those hydraulic
25 wheel motors were powered?

1 A. At least, I think, four to get it right --
2 could steer by the wheel motors.

3 Q. Let me rephrase. Were those wheel motors
4 independently powered?

5 A. Yes, they can steer independently, so you
6 can steer the whole vehicle in all directions.

7 Q. Can you explain more about how you steered
8 the vehicle?

9 A. It was steered a little bit the same like a
10 Caterpillar, you know, from...

11 Q. So when you steered the vehicle did you
12 maybe only power wheels on one side of the vehicle?

13 A. Yes. It's like this here. Maybe if I go
14 on the right side or go right, then it would be
15 powered with the left vehicle in front. And I don't
16 know -- maybe the right in the rear, so we can
17 really turn around on one spot.

18 Q. I see. So you steered the vehicle by
19 powering the wheels in opposite directions?

20 A. Yes.

21 Q. I'm showing you on the screen, Dr.
22 Speerschneider, a picture that's marked with Bates
23 number BAZ15-0024519. And for Scott's benefit
24 that's page 94 of the document.

25 Do you see that picture, Dr.

1 Speerschneider?

2 A. Yes, I see the picture.

3 Q. Can you describe what that picture is?

4 A. (Speaking German)

5 INTERPRETER: This picture shows the end
6 of the crane was the receiver plate for the
7 pump.

8 A. (Speaking German)

9 INTERPRETER: And the black parts that
10 you see, those are the joints that are movable.

11 A. (Speaking German)

12 INTERPRETER: So that you could pivot
13 the pump on one level up and down.

14 Q. Were those components included on the
15 Amphi-King that you purchased?

16 A. They were part of the Amphi-King that we
17 purchased.

18 Q. Before 2013?

19 A. Yes.

20 Q. I'm going to scroll to another picture in
21 this document with the Bates number BAZ150024522.

22 Dr. Speerschneider, do you see this picture?

23 A. Yes.

24 Q. What is this picture showing?

25 A. The Amphi-King, the crane arm (speaking

1 German)

2 INTERPRETER: It shows the Amphi-King
3 with the arm of the crane and the mounted pump,
4 the pump mounted there.

5 Q. Could that crane move the pump around in
6 different positions?

7 A. (Speaking German)

8 INTERPRETER: The crane itself could
9 only move up and down in one plane up until the
10 bottom of the boat.

11 A. (Speaking German)

12 INTERPRETER: Where the crane is
13 attached on the body of the boat, you can pivot
14 it to the left or right in a certain angle.

15 Q. Could that crane move the pump to, I
16 guess -- Strike that.

17 Dr. Speerschneider, do you see that plate
18 that is positioned kind of at the bottom of the hull
19 of the vehicle?

20 A. Yes. (Speaking German)

21 INTERPRETER: That was a push shield to
22 -- when the sludge could no longer be moved,
23 you could move it there for about 20
24 centimeters so you could pump it off.

25 Q. Could that shield be removed?

1 A. Yes. Mostly we use it at the end of the
2 process.

3 Q. When that shield was removed could the
4 crane move the pump to that point where the shield
5 is?

6 A. Yes.

7 Q. Could it move it underneath where the
8 shield is?

9 A. Underneath, so on the floor, I would say,
10 and the same vertical position as the shield is now.

11 Q. Would the pump be between the wheels?

12 A. Yes. Because it was very important to put
13 it on the trailer that is not so long, so it fits on
14 the trailer.

15 Q. I'm going to turn to Bates numbered page
16 BAZ150024552. I'm sorry. Bates number
17 BAZ150024553. Dr. Speerschneider, do you see this
18 picture?

19 A. Yes.

20 Q. Do you know what this picture is showing?

21 A. This picture shows the Amphi-King -- our
22 Amphi-King with our driver Eckhard Funck.

23 Q. What is Eckhard Funck doing?

24 A. He's moving the Amphi-King into a (speaking
25 German).

1 INTERPRETER: To a sailing harbor.

2 A. For the special program they have lots of
3 mud in the harbor, and they like us to pump it out.

4 Q. I'm going to pull up another picture
5 labeled BAZ150024568. And then I'm going to scroll
6 to the next picture ending in 569 and then to
7 another picture labeled 570, the same Bates number
8 ending in 570.

9 Dr. Speerschneider, do you recognize this
10 picture?

11 A. Yes, I do.

12 Q. What is this picture showing?

13 A. It's showing also Eckhard Funck on our
14 Amphi-King with the pump, in this case pumping
15 water. As far as I remember, it was only for
16 demonstrating how the Amphi-King worked, how the
17 pump worked, how the wheels worked and the propeller
18 on the Amphi-King.

19 Q. Could operation of the pump cause the
20 vehicle to move while it was floating?

21 MR. YACKEY: Objection, form.

22 A. Yes. We found that if the pump is pumping
23 under the water, on the liquid that (speaking
24 German).

25 INTERPRETER: Just like a push-back you

1 could say.

2 A. Push-back, yeah, push-back. So we found we
3 always have -- when we put -- like when we pump
4 under water and we want to stay on the same place,
5 we have to also to use the wheels or the propeller
6 so the pump was able to move the Amphi-King in
7 liquids.

8 Q. Could the vehicle be steered by moving the
9 direction of the nozzle on the pump?

10 A. Yes.

11 MR. YACKEY: Object, form.

12 MR. STEMLER: Scott, would you mind
13 explaining the basis for that objection?

14 MR. YACKEY: It's what's his personal
15 knowledge, foundation.

16 BY MR. STEMLER:

17 Q. Dr. Speerschneider, did you ever see the
18 pump move the vehicle?

19 A. Yes, but it was not (speaking German).

20 INTERPRETER: We never tried to use the
21 pump for that reason, to move the vehicle, but
22 it was one effect that happened, that it moved
23 back without using the impeller on the back.

24 Q. So you frequently -- I guess, Eckhard, when
25 he was driving, would frequently use the impeller to

1 counteract the force of the pump?

2 A. Yes.

3 Q. And you saw him do that?

4 A. Yes.

5 Q. I would like to ask you about the materials
6 that the pump on the Amphi-King was able to pump.
7 Could you describe some of the materials that the
8 Amphi-King pumped?

9 A. It could pump all kind of liquid organic
10 material. It was everything like this. It also can
11 -- which is very difficult -- it could pump up to
12 little stones with liquid with it. So especially in
13 the nature ponds we have often on the ground, you
14 have sand and other things, so it happened that you
15 have not only the mud, you also have -- taking sand
16 with the pump.

17 Q. Was the pump able to pump that mud?

18 A. Yes.

19 Q. Could it pump sticks that were in the
20 water?

21 A. Yes.

22 MR. YACKEY: Objection, form.

23 A. When they are not too big and not too long.

24 Q. Did you ever see the pump do that?

25 A. Yes.

1 Q. Could the pump pump garbage that was in the
2 fluid?

3 A. Yes.

4 MR. YACKEY: Objection, form.

5 A. We have in the wastewater ponds, for
6 cleaning it, they were very simple. They have kind
7 of mechanical cleaning, but it's not often, and it
8 doesn't work if they have it (German). So we get a
9 lot of the stuff from toilets inside, garbage, and
10 we have to handle, of course. That was the main
11 reason, because we make decision about this pump.

12 Q. Did you ever see the pump pump that toilet
13 waste?

14 A. Yes.

15 Q. Could the flow rate of that pump be varied?

16 A. Yes.

17 Q. Could the direction of the nozzle on that
18 pump be turned?

19 MR. YACKEY: Objection, form.

20 A. The nozzle? Only by moving it up and down
21 on the crane and moving the crane itself left and
22 right.

23 MR. STEMLER: I think we're ready to
24 break over here for lunch. Is everybody okay
25 with taking a 30-minute break at this point?

1 MR. YACKEY: Yes.

2 MR. STEMLER: Thank you.

3 VIDEOGRAPHER: The time is now 11:49
4 a.m. and we're off the record.

5 (Off the record).

6 VIDEOGRAPHER: The time is now 12:20
7 p.m. and we're back on the record.

8 (Exhibit 42 marked.)

9 BY MR. STEMLER:

10 Q. Dr. Speerschneider, I've introduced another
11 exhibit. It's marked here as Defendants Exhibit 42
12 on the screen. Do you see this document?

13 A. Yes.

14 Q. Do you recognize this document?

15 A. Yes.

16 Q. What is it?

17 A. It shows again Eckhard Funck on the
18 Amphi-King with a pump.

19 Q. Do you know where this picture was taken?

20 A. Not by -- let's see. It's mentioned that
21 it's in a sewage sludge pond in Mecklar. Mecklar is
22 a very small village nearby our office in this
23 region.

24 Q. Did UD Umwelt-Dienste ever provide sewage
25 sludge pumping services in Mecklar?

1 A. Yes, we did. We had a project, which is
2 mentioned in this article.

3 Q. Do you recognize the pond that Mr. Funck is
4 operating the vehicle in?

5 A. I don't know this pond exactly. I only
6 know about the project, but I can't remember...

7 Q. I would like to ask you about -- Sorry.
8 I'm going to pull up another exhibit first.

9 (Exhibit PX2 marked.)

10 So I'm showing you a document that's been
11 marked as PX2.

12 A. Yes.

13 Q. Do you see this document?

14 A. I can see it, yes.

15 Q. Is this document, does this appear to be
16 the same article that we just looked at, in English
17 -- Strike that.

18 A. This is one of the articles that we
19 normally do. Maybe I'll speak in German. (Speaking
20 German)

21 INTERPRETER: So because these -- this
22 cleaning up of these ponds, this was a big
23 thing for the local communities, and so we
24 often invited the local press to cover that.

25 BY MR. STEMLER:

1 Q. Does this newspaper article appear to be
2 the same newspaper article that we just looked at in
3 Defendants Exhibit 42?

4 A. Yes, the same.

5 Q. Except this article is in English?

6 A. English, yes.

7 Q. I'm looking here on page three of the
8 exhibit. And I see that the text says, "The idea is
9 not that far off. After all, it's not fecal matter
10 that's in the sewage sludge, explained the vehicle
11 operator of the frog-like machine, it's just dead
12 bacteria that previously ate the fecal matter.
13 Thus, what floats in the pond is anything but toilet
14 waste."

15 Do you see that section?

16 A. Yes, I see the section here.

17 Q. Is that technically correct?

18 MR. YACKEY: Objection, form.

19 A. It's mainly bacteria, the sewage sludge,
20 but the wastewater plant is still operating -- of
21 course, not every wastewater was treated. So at
22 least you have a small amount of normal waste in
23 everything in it.

24 Q. To sort of clarify, are you saying that
25 toilet waste would continue to be added to the pond

1 as the pond was operating?

2 A. Yes.

3 Q. Did it take -- How long did it usually take
4 for the bacteria to break down the sewage sludge?

5 MR. YACKEY: Objection, form.

6 A. (Speaking German)

7 INTERPRETER: (Speaking German)

8 A. It depends how much oxygen is inside and
9 how it works, but I would say a couple of weeks it's
10 clean.

11 Q. Was that a natural process?

12 A. Yes, that's a natural process.

13 Q. Can you describe how that process worked?

14 A. So like I would say manure or something
15 from humans, there are lots of nutritions inside.
16 Every human eats something that's nutritious, which
17 gets out and it has a lot of nutritions. And this
18 causes problems to rivers in the former times, and
19 so they tried to clean this wastewater. They tried
20 to get out the nutritions. And these nutritions,
21 that's a normal nature process. There's bacteria in
22 water and ponds, and they eat the nutritions,
23 organic material, using oxygen in the water, and
24 they incorporate the nutritions in their bodies and
25 then they died and then this is the sewage sludge at

1 the end.

2 Q. What types of sewage ponds did UD
3 Umwelt-Dienste typically work in?

4 A. What kind of sewage ponds. It's mostly
5 nature ponds and mostly they were wastewater
6 treatment ponds, ponds which were the degradation of
7 organic material and cleaning process with (speaking
8 German).

9 INTERPRETER: But those are sewage
10 lagoons where the entire biological
11 purification process occurs.

12 BY MR. STEMLER:

13 Q. Were those ponds typically rural or urban?

14 A. They're typically in rural areas where the
15 small villages.

16 Q. And do those rural ponds, were they
17 typically equipped with sophisticated wastewater
18 processing plants?

19 A. No.

20 MR. YACKEY: Objection, form.

21 A. They have mostly kind of simple mechanical
22 cleaning, but we mostly found that it doesn't really
23 work very well, so we found at least some rest of
24 toilet waste inside.

25 Q. What kind of toilet waste would you find?

1 A. Every kind (speaking German).

2 INTERPRETER: Hygiene products such as
3 tampons and the like.

4 A. Everything.

5 Q. Toilet paper?

6 A. Yes, toilet paper, too.

7 Q. Were chemicals added to the waste that was
8 in those ponds?

9 A. Normally not.

10 Q. Why not?

11 A. Because there is no need. It's a
12 biological cleaning. And any kind of chemicals they
13 put sometimes maybe to more thicken the natural
14 waste, the sludge, but not for cleaning. The
15 biological way was enough. And chemicals -- because
16 the clean water should go back to the river and
17 chemicals would be a risk of poisoning the nature,
18 the river.

19 Q. I'm going to pull up another exhibit.

20 (Exhibit 40 marked.)

21 Dr. Speerschneider, I've introduced exhibit 40.

22 This is a video exhibit. And I'm playing the first
23 couple of seconds of this video. Have you seen this
24 video before?

25 A. Yes, I did.

1 Q. What is this video?

2 A. This was the video for promotion that we
3 made for using it at the Ifat Fair in 2012.

4 Q. Is this the same video that you referenced
5 as Exhibit A in your declaration that I showed at
6 the beginning of this deposition?

7 A. Yes.

8 Q. Exhibit A of Defendant's Exhibit 41?

9 A. Which is that?

10 Q. The declaration is Exhibit 41.

11 A. The declaration, yes.

12 Q. Were you involved in the creation of this
13 video?

14 A. Yes, I was involved.

15 MR. YACKEY: Objection, form.

16 BY MR. STEMLER:

17 Q. How were you involved in the creation of
18 this video?

19 A. It was the thing that Mr. Funck and Mr.
20 Hauer, they prepared the different scenes. And we
21 spoke -- I spoke with them. And they said it's okay
22 because we (speaking German)

23 INTERPRETER: He asked the video company
24 to show him a professional video for their
25 promotion.

1 A. (Speaking German)

2 INTERPRETER: We only discussed in
3 advance the scenes that we wanted to show.

4 Q. Did Mr. Funck and Mr. Hauer regularly
5 participate in creating advertisements for UD
6 Umwelt-Dienste?

7 A. (Speaking German)

8 INTERPRETER: They were always involved
9 in all of the processes, because they were not
10 only informed about the technology, they knew
11 about the technology, but they also knew what
12 our customers wanted, and so they were always
13 involved.

14 Q. Was it normal for them to create marketing
15 materials?

16 A. Yes (speaking German).

17 INTERPRETER: Yes, they were always
18 involved.

19 Q. Why was this video created?

20 A. (Speaking German)

21 INTERPRETER: The videos were supposed
22 to show the entire chain of events starting
23 with the problem in the lagoons and then the
24 stirring, the pumping, the cleaning, and then
25 finally applying it to the agricultural fields.

1 Q. Did UD Umwelt-Dienste use this video as
2 marketing materials?

3 A. Yes.

4 Q. Can you describe the general process of
5 what is shown in this video?

6 MR. YACKEY: Objection, form.

7 A. It started first, of course, where we get
8 into the pond and then it shows the pumping of the
9 (speaking German).

10 INTERPRETER: It shows how the vehicle
11 enters the lagoon and how it homogenizes the
12 sludge.

13 A. (Speaking German)

14 INTERPRETER: And then how to introduce
15 the vehicle with the pump and pumps the sludge
16 or the slurry into a container.

17 A. (Speaking German)

18 INTERPRETER: A special container that
19 we developed.

20 A. (Speaking German)

21 INTERPRETER: It has a drum sieve and
22 the sludge is pumped into that sieve and then
23 it separates the garbage from the sludge and
24 then the sludge is pumped out.

25 A. (Speaking German).

1 INTERPRETER: And a farmer who has the
2 equipment to spray the slurry onto his fields
3 as a fertilizer, he can remove it from that
4 drum and then apply it to his field as
5 fertilizer.

6 A. (Speaking German)

7 INTERPRETER: The video also shows that
8 we have the quality management system that
9 allows us to remove exactly the quantities that
10 the farmer needs on his field.

11 Q. Thank you. I would like to show a few
12 specific sections of this video. First, I'm going
13 to turn to the portion 22 seconds in -- I'm sorry --
14 23 seconds in.

15 Dr. Speerschneider, do you recognize the
16 place shown here in this video?

17 A. I only know the area. It's near the office
18 near where Mr. Hauer's town is. In this area we had
19 lots of ponds and it was easy to make
20 demonstrations.

21 Q. I'm turning to another section of the
22 video. This is 44 seconds in.

23 Dr. Speerschneider, do you recognize this
24 place?

25 A. This picture, yes.

1 Q. Do you recognize the place where this was
2 filmed?

3 A. I'm not sure.

4 INTERPRETER: No, I'm not sure.

5 Q. I'm going to turn to another section in the
6 video. Going back to that other section, Dr.
7 Speerschneider, have you seen -- have you personally
8 seen sewage sludge lagoons before?

9 A. Yes. I did.

10 Q. Do they look like this?

11 A. Yes, they look like this.

12 MR. YACKEY: Objection, form.

13 A. In this case it was -- where the video was
14 made, it was in this area at the office. It was
15 more a pond for stirring the downgraded sewer
16 sludge. Because this wastewater treatment plant is
17 a modern design for more efficient treatment.

18 Q. Can you describe how you know that this is
19 a sewage sludge pond?

20 A. I always would say -- because it doesn't
21 make sense to have this pond by itself. In this
22 case you see on the back side there's a round
23 (speaking German).

24 INTERPRETER: Was a huge basin where the
25 biological purification process takes place,

1 and it's much more efficient than doing it in
2 the pond.

3 A. (Speaking German)

4 INTERPRETER: In this particular case
5 the sewage sludge pond makes sand for
6 intermediate storage of the sewage sludge.

7 A. (Speaking German)

8 INTERPRETER: And that's done to thicken
9 it. It's stored there for several years, and
10 it keeps being topped off, and so it compresses
11 and gets thicker.

12 Q. So it's topped off with fresh sewage?

13 A. Yes.

14 Q. I'm going to go to one minute and 57
15 seconds into the video. I'm playing the video.

16 Dr. Speerschneider, can you describe what's
17 going on in this portion of the video?

18 A. In this portion you'll see Eckhard Funck
19 and the amphibia, the Amphi-King and trying to
20 loosen up the... (speaking German)

21 INTERPRETER: He's trying to loosen up
22 the hardened surface of the sludge with the
23 pump.

24 Q. Can you tell me about that hardened upper
25 surface of the lagoon?

1 A. (Speaking German)

2 INTERPRETER: So the lagoon is still, it
3 doesn't move, and then in the summer the
4 surface dries out because of the sun, and the
5 material gets harder and harder.

6 Q. Do you ever see hard material like that on
7 top of a sewage sludge lagoon?

8 A. Yes. More often.

9 Q. And did you watch the Amphi-King pump
10 material in that type of lagoon?

11 A. Yes.

12 Q. Did you ever see grass growing on top of
13 that hard material?

14 A. It could be. Sometimes there is grass when
15 it's getting dried and over years.

16 Q. And could the Amphi-King break up that
17 material?

18 A. Yes.

19 Q. How was that hardened material processed by
20 the Amphi-King during your pond-clearing operations?

21 MR. YACKEY: Objection, form.

22 BY MR. STEMLER:

23 Q. What happens to that hardened material when
24 you were operating in the sewage lagoons?

25 MR. YACKEY: Objection, form.

1 A. We try to (speaking German).

2 INTERPRETER: Because we had several
3 layers, the top dry layer on top and maybe
4 sludge layers underneath, we try to mix it up
5 without adding water, to break it up and mix it
6 up without adding water.

7 A. To get a high percentage of dry matter and
8 not a big volume, which is very expensive to handle.

9 Q. I'm going to show you a segment of the
10 video starting at 2:30. Can you describe what's
11 going on? I'm playing the video now. Can you
12 describe what's going on at this portion of the
13 video?

14 A. You'll see the Amphi-King with a pump just
15 pumping liquid sewage sludge.

16 Q. Why was it doing that?

17 A. He's doing this -- You see, on the
18 different -- where now the pump is positioned, it's
19 liquid, but on the sides it's still dried surface,
20 and so he likes to put liquid material on the dry
21 surface to loosen it.

22 Q. I'm going to show you another portion of
23 the video at three minutes and 38 seconds.

24 Before playing that, Dr. Speerschneider,
25 did you ever see Eckhard Funck doing what was shown

1 in that video with the Amphi-King?

2 A. Yes. In this case, of course, it was kind
3 of a demonstration.

4 Q. So I'm showing you this portion of the
5 video at 3:38 where the Amphi-King appears to be
6 driving into the pond. Can you describe what
7 Eckhard Funck is doing with the wheels here in this
8 video?

9 A. He started, of course, getting -- with
10 these kind of wheels it's very easy to get into and
11 out later on into the pond. In this case you see
12 that the main thing with the wheels was to dilute or
13 to homogenize the sewage sludge so that it gets
14 liquid.

15 Q. So would he operate the wheels while he was
16 floating in the lagoon then?

17 A. Yes, it was operated. It's a two-step
18 process. The thing is, first, he tries to loosen up
19 (speaking German).

20 INTERPRETER: Two steps.

21 A. (Speaking German)

22 INTERPRETER: The first step is that you
23 destroy the surface and mix it up, and the pump
24 is suited very well for doing that.

25 A. (Speaking German)

1 INTERPRETER: And then the amphibious
2 vehicle is swimming on that sludge at a depth
3 of about 50 centimeters.

4 A. (Speaking German)

5 INTERPRETER: And in that area the
6 sludge is liquid, but underneath it it's still
7 firm.

8 A. (Speaking German)

9 INTERPRETER: So the next step is that
10 you no longer stir but you pump off the sludge
11 so it's about 20 to 25 centimeters lower.

12 A. (Speaking German)

13 INTERPRETER: And then at that point the
14 wheels are again on the sludge and then they
15 are moved again so to mix it up again and make
16 it liquid again.

17 A. (Speaking German)

18 INTERPRETER: This happens layer by
19 layer until you reach the bottom.

20 Q. I'm going to show you another portion of
21 the video, Dr. Speerschneider. Here I'm turning to
22 a portion of the video at 6:22. I'm sorry. I'm
23 actually going to pull up a different portion of the
24 video.

25 A. I can't see a thing.

1 Q. At 7:08, Dr. Speerschneider, can you please
2 describe what's being shown in this portion of the
3 video?

4 A. (Speaking German)

5 INTERPRETER: This is the intermediate
6 container developed by UD Umwelt-Dienste that
7 the sludge is being pumped into from the
8 lagoon.

9 A. (Speaking German).

10 INTERPRETER: You see on the top that
11 this container has a drum sieve with a hose on
12 the left introduces the sludge.

13 Q. And can you describe the function of that
14 sieve?

15 A. (Speaking German)

16 INTERPRETER: The sieve rotates and the
17 sludge is pumped into the sieve, and the sludge
18 goes through the sieve -- I mean the sludge and
19 the waste come into the sieve. The sieve
20 rotates and separates the waste from the
21 sludge, and because the sieve is slanted or
22 inclined, the waste is picked out.

23 A. Transported.

24 Q. What kind of waste would get transported
25 out of the sieve?

1 A. It could be every kind of waste, but mostly
2 what we find in the wastewater ponds are from the
3 toilets.

4 Q. And what kind of materials would those be?

5 A. Every kind of hygienic -- toilet paper,
6 tampons and (speaking German).

7 INTERPRETER: Sanitary napkins, tampons,
8 toilet paper.

9 Q. Would that material be -- was that pumped
10 out of the pond by the Amphi-King?

11 A. Yes.

12 Q. I'm going to show you another portion of
13 the video at 8:09.

14 Dr. Speerschneider, do you see this portion
15 of the video?

16 A. Yes, I see.

17 Q. What is that material floating on top of
18 the sewage sludge there?

19 MR. YACKEY: Object to the form.

20 A. (Speaking German)

21 INTERPRETER: It's grass and some other
22 natural, sort of grass-type that grows on the
23 sludge.

24 Q. Could that material be pumped by the
25 Amphi-King?

1 MR. YACKEY: Objection, form.

2 A. (Speaking German)

3 INTERPRETER: Yes, it can pump off.

4 It's being mixed with the liquid by the screw,
5 and so it's mixing can be pumped off then.

6 Q. Did you ever see the Amphi-King pump
7 material like that?

8 A. Yes, I've seen.

9 Q. Referring back to that other portion of the
10 video that we just watched with the sieve and the
11 intermediate container, did you ever watch that
12 sieve and intermittent container in operation?

13 A. Yes, I saw it.

14 Q. And did you see the waste materials that
15 came out of the sieve?

16 A. Yes, I saw.

17 Q. I'm going to show you another portion of
18 the video at 10:15. Dr. Speerschneider, can you
19 describe what's being shown in this portion of the
20 video?

21 MR. YACKEY: Objection.

22 A. (Speaking German)

23 INTERPRETER: The sewage vat, the
24 farmer's sewage -- natural waste vat, how it's
25 being applied to the fields.

1 Q. What is being applied to the fields in this
2 portion of the video?

3 A. In this case it was applied -- the sewage
4 sludge pumped out of the pond to the fields.

5 Q. Had you ever seen that process occur
6 before?

7 A. Yes, I've seen it several times.

8 Q. I'm going to show you another portion of
9 the video, at 11:07. Dr. Speerschneider, what's
10 being shown here?

11 MR. YACKEY: Objection, form.

12 A. (Speaking German)

13 INTERPRETER: So the sludge is being
14 pumped into the container, and before it's
15 pumped in there we had applied several vats
16 where you put -- like remove samples, sludge
17 samples.

18 A. (Speaking German)

19 INTERPRETER: So the goal was to pull a
20 sample every half an hour and determine the dry
21 substance content in the sand.

22 Q. Why did you do that?

23 A. (Speaking German)

24 INTERPRETER: There are various dry
25 substance, contents, degrees of dry substance

1 contents in the pond itself in different areas.

2 A. (Speaking German)

3 INTERPRETER: When we homogenize it in
4 the machine, then we get a more uniform dry
5 substance content in the pond.

6 A. In the sewage sludge.

7 INTERPRETER: In the sewage sludge.
8 Sorry.

9 A. (Speaking German)

10 INTERPRETER: So it's not important how
11 much slurry there is on the field, but you have
12 to calculate the dry mass that's expected.

13 A. The dry matter. (Speaking German)

14 INTERPRETER: And with that we knew
15 exactly how many kilograms of fertilizer we
16 apply to the field.

17 Q. I'm resuming the video, and it shows a man
18 walking here.

19 A. Yes.

20 Q. Do you know who that man is, Dr.
21 Speerschneider?

22 A. That's an employee of us from our company,
23 who was guiding (speaking German)

24 INTERPRETER: Who is one of our
25 employees who managed the project.

1 Q. What was his job?

2 A. (Speaking German)

3 INTERPRETER: So he managed the entire
4 project, and in that case he also pulled the
5 samples.

6 A. (Speaking German)

7 INTERPRETER: So we needed two people,
8 because Eckhard Funck, our other employee, he
9 was on the boat and he couldn't pull the
10 samples, so we needed two people, one who was
11 on the boat and one who pulled the samples.

12 Q. Can you describe how this man measured and
13 pulled the samples and what he did with those
14 samples?

15 A. (Speaking German)

16 INTERPRETER: We have a special scale
17 that heats or evaporates the material, and then
18 very quickly within 10 to 15 minutes we have
19 the dry content.

20 Q. I'm resuming the video again. It shows
21 that man entering the building.

22 A. Yes.

23 Q. And it shows a close-up picture of a
24 machine. Is that the scale that you were referring
25 to?

1 A. That's the scale for the heating.

2 Q. What would you use this scale for?

3 A. To find out the dry matter content of the
4 probe.

5 Q. Have you ever used that scale before?

6 A. Yes.

7 Q. I'm resuming the video again.

8 A. You see he's filling in a special amount
9 and the scale is (speaking German).

10 INTERPRETER: He weighs it and he
11 determines the initial content of the sample,
12 and then after the water has evaporated, the
13 dry content.

14 Q. Here at 11:56 on the video there appears to
15 be some numbers on the screen of the scale. Can you
16 describe what those numbers mean?

17 A. The scale has kind of a computer inside.
18 So it shows in this case the result. It's 11.22 dry
19 matter in grams percent.

20 Q. So is that the total solid amount in that
21 sample?

22 A. Yes, right.

23 Q. Were there any legal requirements that you
24 were following while performing this process?

25 A. (Speaking German)

1 INTERPRETER: There are legal
2 requirements as far as the total quantity of
3 dry substance that you can apply to a field per
4 hectare.

5 A. (Speaking German)

6 INTERPRETER: That's determined by
7 environmental statutes.

8 A. (Speaking German)

9 INTERPRETER: And we also determine on
10 the fields beforehand with samples how much
11 nutrition is in the field.

12 A. (Speaking German)

13 INTERPRETER: So depending on the crop
14 that the farmer is planting, we can figure out
15 what's already in the ground or how many
16 nutrients the crop needs and what has to be
17 applied.

18 Q. I'm playing the video again, and I see a
19 man writing some numbers on a piece of paper. Can
20 you describe what that man is doing?

21 MR. YACKEY: Objection, form.

22 A. (Speaking German)

23 INTERPRETER: They document the dry
24 substance content that was measured.

25 A. (Speaking German)

1 INTERPRETER: So because our
2 measurements are not accepted, you have to have
3 an official measurement by a laboratory. So he
4 just took our measurements of the day and then
5 mixed them into one and then submitted it to
6 an official laboratory who officially
7 determined the content.

8 Q. Were those measurements that you took
9 generally pretty close to those of the official
10 laboratory?

11 MR. YACKEY: Objection, form.

12 A. Excuse me?

13 Q. Were the measurements that UD
14 Umwelt-Dienste took generally pretty close to those
15 that were recorded by the official laboratory?

16 MR. YACKEY: Objection, form.

17 A. (Speaking German)

18 INTERPRETER: That was pretty close. We
19 always left sort of a five percent safety
20 buffer before it goes onto the field, but it
21 was always pretty close.

22 Q. Was this measurement process that's shown
23 here in the video part of UD Umwelt-Dienste's normal
24 process when cleaning out ponds and giving sewage
25 sludge to farmers?

1 A. Yes. When we make the whole chain of the
2 process, then we do it like this. Sometimes, just
3 to put out the sewage sludge, and they will do it by
4 themselves the other part of the process at the end.
5 But this was the rule of chain and this was part of
6 our quality management.

7 Q. As president of the company did you tell
8 your employees to do this?

9 A. Yes. It was part of our quality management
10 handbook.

11 Q. As president of the company, when Eckhard
12 Funck and the other gentleman who made this video
13 came to you, did you tell them that you wanted them
14 to pump sewage sludge with the Amphi-King for the
15 video?

16 A. Yes.

17 MR. YACKEY: Objection, form.

18 BY MR. STEMLER:

19 Q. I'm going to pull up another --

20 MR. STEMLER: Scott, do you mind
21 explaining the basis for that objection?

22 MR. YACKEY: Just vague and assumes
23 facts not in evidence.

24 BY MR. STEMLER:

25 Q. As president of the company was it the

1 purpose of this video to pump sewage sludge with the
2 Amphi-King?

3 A. The purpose of this video is to show the
4 whole process, which one thing was to show that the
5 Amphi-King was able to do it; and the other thing
6 was like it was possible to treat sewage sludge, put
7 away the waste, and then it was -- So giving safety
8 to the (German) that we put the samples, measure the
9 dry matter and assure not to put too much sludge on
10 the fields, otherwise we get hot -- we get (speaking
11 German)

12 INTERPRETER: We get a penalty.

13 A. Yes, a penalty. (Speaking German)

14 INTERPRETER: So the city or the town
15 will always be responsible for that, so it was
16 important for them to have somebody who did
17 that whole process responsibly.

18 (Exhibit 43 marked.)

19 (Exhibit 44 marked.)

20 Q. I'm going to pull up another exhibit here.
21 Dr. Speerschneider, I have pulled up and marked two
22 different documents. The first is marked as
23 Defendant's Exhibit 43 and the second document is
24 Defendant's Exhibit 44. Do you see those two
25 documents?

1 A. Yes, I saw.

2 Q. Do you recognize these documents?

3 A. Yes.

4 Q. What are they?

5 A. Those are the typical documents (speaking
6 German).

7 INTERPRETER: These are the typical
8 documents that we use to officially document
9 the whole slurry process for the authorities.

10 A. (Speaking German)

11 INTERPRETER: The first column shows the
12 document numbers.

13 A. (Speaking German)

14 INTERPRETER: Each document describes
15 what happened on the field.

16 Q. Have you seen documents like this before?

17 A. Yes. We created it.

18 Q. Who created these documents?

19 A. UD Umwelt-Dienste.

20 Q. Was it employees of UD Umwelt-Dienste?

21 A. Yes.

22 Q. Did you have any part in creating these
23 documents?

24 A. Yes, me too.

25 Q. What was your role in creating these

1 documents?

2 A. It was also -- like we have meetings,
3 quality management meetings. And we think about
4 what kind of documents we need, what information is
5 suitable. We discuss it and then we build this
6 document by these discussions. And at the end it
7 was my responsibility to say, yes, we take this, and
8 I have to sign it because -- the quality management.
9 And everybody has to use it in the projects.

10 Q. So you reviewed and sign these documents
11 when they were presented?

12 A. Yes.

13 Q. Did I see here -- There's two tables that
14 are included this these documents. The tables
15 appear to have a similar format in terms of the
16 information that's written on the top of the tables
17 on the first row. Do you see what I'm referring to?

18 A. Yes.

19 MR. YACKEY: Objection, form.

20 BY MR. STEMLER:

21 Q. Did you have any part in creating that
22 format?

23 A. Yes. This table was created by the man who
24 was responsible for the project. And I think it's
25 nearly showing the same as the table before, but in

1 this case you see on the right side a name,
2 Pfalzgraf. That's a farmer. That's the farmer's
3 name. And in this case it's just to have a nice
4 view to see each color belongs to one farmer, so it
5 gives you a better overview.

6 Q. And that's in Defendant's Exhibit 44 that
7 you're referring to.

8 A. Uh-huh (affirmative).

9 Q. I'm asking about the format of the tables.
10 Did you have any role in creating that format?

11 A. This was also a fixed format.

12 Q. Did you have any role in creating that
13 format?

14 A. In creating, we have -- like we have the
15 circle of quality management discuss it, and then we
16 say -- (speaking German)

17 INTERPRETER: It's a form that the
18 quality management prepared and is being used.

19 Q. Did you tell them what information you
20 wanted included in that form?

21 A. Yes.

22 Q. Who are the people that filled in the
23 information in this table?

24 A. This information are filled by the project
25 manager.

1 Q. Was it their job to fill in the information
2 in these tables?

3 A. Yes.

4 Q. How did they know the information to put in
5 those tables?

6 MR. YACKEY: Objection, form.

7 A. Because during the whole project, all the
8 information -- because the project manager was
9 responsible for the planning everything to get all
10 the information, like analysis and so on. And he
11 puts all this information that we use -- that we
12 need, together in such formula.

13 Q. Was it normal for UD Umwelt-Dienste
14 employees to fill out these tables?

15 A. Yes, it was.

16 Q. Can you describe what information is shown
17 in each of the columns on these tables?

18 A. I think, take the first row, you see 20325
19 and the second column shows the size of the field.
20 In Germany it's in metric -- it's in hectare, 0.75.
21 And then there is a total amount in the third row.
22 We plant a total amount of dry matter in tons per
23 hectare. And then the fourth column is the total
24 amount of dry matter for the field. Because the
25 field is smaller than one hectare. And then the

1 next column is dry matter, what we -- Excuse me.
2 The fourth column is the dry matter we plant on this
3 field. And the fifth, what really happens on the
4 field, the dry matter. And you see we plant 2.9491
5 is the plant in column four. And we are rated
6 nearby, not far, 2.4925. So it's a little bit less.
7 That shows that's a difference of only 0.0066.
8 That's the difference (speaking German).

9 REPORTER: That's the difference what?

10 A. That's the difference between the plan and
11 the result.

12 Q. How about this column here that has SM3-HF?

13 A. That shows the original sewage sludge
14 amount in cubic meters per hectares. The next is
15 cubic meters per field for the whole field. And
16 that is cubic meters per LS, per document on this
17 document. And then we see the last column, that's
18 very important, that's the dry matter contents in
19 percentage we got from the laboratory.

20 Q. So that's similar to the measurement that
21 was taken by that heated scale that we discussed
22 earlier?

23 A. Yes. This is official dry matter. Because
24 we have to count -- The process, we make a different
25 calculation, but at the end when we have the really

1 official dry matter from the laboratory, we can
2 really account what's really happened. We get the
3 official document. And the last column is the day
4 they brought sewer sludge as fertilizer on the
5 field.

6 Q. I'm scrolling down a little bit to kind of
7 the second table on that first page. It appears to
8 be another date column. Do you know what that's
9 referring to?

10 A. That shows on the first column the
11 different dates, 5, 6 October and so on. And it
12 shows on the row -- on the top row you see 18 cubic
13 meters, 16 and so on. (Speaking German)

14 INTERPRETER: That's the volume of
15 liquid manure vats that the farmers take out to
16 the field.

17 A. (Speaking German)

18 INTERPRETER: Normally, in order to
19 determine the whole quantity we usually fill an
20 18-cubic-meter vat, and then they took that out
21 to the field.

22 A. For example, the 18 cubic meters -- and
23 then only we count the amount of transportation to
24 the field. (Speaking German)

25 INTERPRETER: So we just wrote down the

1 number of the liquid manure vats that were
2 taken out to the field on that particular day.

3 Q. Dr. Speerschneider, do you know when this
4 document was created?

5 A. It was created in October 2010.

6 Q. How do you know that?

7 A. Because of the date.

8 Q. Was that typical for UD Umwelt-Dienste to
9 include the date that the samples were taken on the
10 document?

11 A. Yes. We have to check that we have done on
12 which day. We have to document -- it was by law --
13 to document which amount we have put on which day on
14 which field.

15 Q. And do you know what vehicle was used to
16 pump the samples in this document?

17 A. Yes. It was shown that 80 cubic meters is
18 representing (speaking German).

19 INTERPRETER: A manure vat of 18 cubic
20 meters.

21 A. Then the third column it's 16 cubic meters,
22 and the next is 16 cubic meters.

23 Q. Do you know if the Amphi-King pumps the
24 samples shown in this table?

25 MR. YACKEY: Objection, form.

1 A. In 2010, I don't think that Amphi-King --
2 I'm not sure, because we have -- Amphi-King, I think
3 at the end of October, I'm not sure.

4 Q. If it wasn't the Amphi-King would it have
5 been the Conver vehicle?

6 A. It could be the Conver or another vehicle.

7 Q. Did the Amphi-King -- did the pump on the
8 Amphi-King, was that more -- was that able to pump
9 higher solid content material than the other pumps
10 that would have been used?

11 MR. YACKEY: Objection, form.

12 A. Higher, up to 20 percent.

13 Q. I want to get that once more. What
14 percentage solids could the Amphi-King pump,
15 typically pump?

16 A. The Amphi-King, it's normally around maybe
17 10 to 15 percent, and some of the older sewage
18 sludge gets up to 20 percent and more.

19 Q. And the Amphi-King could pump that?

20 A. Yes.

21 Q. I'm turning now to --

22 (Crosstalk)

23 Q. -- Defendant's Exhibit 44. And, Dr.
24 Speerschneider, just to make it easier on the court
25 reporter, too, if you could just wait a second after

1 I ask the question.

2 A. Okay.

3 Q. Defendants Exhibit 44 -- we were just
4 looking at Defendant's Exhibit 43. But now turning
5 to Defendant's Exhibit 44, can you tell me
6 approximately when this document was created?

7 A. This document was created, by date, it was
8 in April 2012.

9 Q. And do you know what machine would have
10 been used to pump the samples shown in this
11 document?

12 A. I can't say, but I believe --

13 MR. YACKEY: Objection, form.

14 A. -- it's SenwaTec.

15 Q. Did the SenwaTec Amphi-King pump most of
16 the samples in 2012?

17 A. Yes. Because it was most efficient. So it
18 was mostly -- it was mostly the first, so the
19 services were with the Amphi-King, and when we get
20 more (speaking German).

21 INTERPRETER: So if we had multiple
22 orders, then we also used other technologies.

23 Q. When were these tables typically created?

24 A. Typically it was after the whole process
25 was finished, then make the documentation.

1 Q. After the pond-cleaning process?

2 A. Yes. Also after pond cleaning and after we
3 brought the fertilizer out on the fields. And at
4 least we need then the information of the -- of the
5 dry matter content. That was mostly the last step,
6 and then we can cover everything and create the
7 tables.

8 (Exhibit 45 marked.)

9 Q. I'm going to show another exhibit here.
10 This will be Defendant's Exhibit 45.

11 Dr. Speerschneider, do you see Defendant's
12 Exhibit 45?

13 A. Yes, I see.

14 Q. Do you recognize this document?

15 A. Yes.

16 Q. What is it?

17 A. (Speaking German)

18 INTERPRETER: It's an excerpt of
19 projects that we did for pond cleaning.

20 A. (Speaking German)

21 INTERPRETER: During 2010.

22 Q. Could you explain what's stated in each of
23 those columns?

24 A. The first column you see is who is the
25 village who ordered. And the second column

1 describes what they demand, what we have to do or
2 what we did. It could be that we only -- the first
3 row you see we pump out -- we clean the pond and we
4 make the spreading on the fields. And the third is
5 only that we have to pump from one pond into the
6 other. It describes -- and on the third column it
7 says the name of the employee, like Eckhard Funck
8 mostly in this case, who was involved in the
9 project.

10 Q. Was it typical for UD Umwelt-Dienste to
11 prepare tables like this?

12 A. We use it for internal information but also
13 for some clients who like to know. Because it was
14 kind of a new technique for the villages to see who
15 else has ordered us and to ask them what the
16 experience are.

17 Q. Who prepared these tables typically?

18 A. Mostly our office. It could be a secretary
19 who got the information or me.

20 Q. Got the information from you did you say?

21 A. Yeah.

22 Q. So you would typically tell people what to
23 include in tables like this?

24 A. Yes.

25 Q. And I assume you got this information

1 because you were the president who coordinated these
2 projects?

3 A. We have a list of all the projects and the
4 year, and then we (speaking German).

5 INTERPRETER: We made the selection of
6 the projects that we communicated to the
7 public.

8 Q. Was it normal for you to instruct employees
9 to prepare tables like this?

10 A. Yes.

11 Q. Dr. Speerschneider, I would like to ask you
12 about a particular project that you had while at UD
13 Umwelt-Dienste. Did you ever do work for
14 Slaughterhouse?

15 A. Yes, we once had worked for Slaughterhouse.

16 Q. Could you describe that project?

17 A. Yes. We were asked by Slaughterhouse, who
18 is (speaking German).

19 INTERPRETER: We had a request from
20 Slaughterhouse for poultry, so ducks and
21 chickens.

22 A. (Speaking German)

23 INTERPRETER: With liquid manure and
24 fecal matter of these animals were collected in
25 a basin.

1 A. (Speaking German)

2 INTERPRETER: We were asked to re-pump
3 that basin.

4 A. (Speaking German)

5 INTERPRETER: What was special with that
6 project was that we had a lot of growth on the
7 surface so that we had to keep having to loosen
8 it.

9 Q. Did you say a lot of growth on the surface,
10 Ruth?

11 INTERPRETER: Growth, yes, growth.

12 A. So we have to use the Amphi-King because
13 it's the only technique that can manage it.

14 Q. Did the Amphi-King work well for that
15 project?

16 A. Yes.

17 Q. Was the customer happy?

18 A. Yes, I believe.

19 Q. Did the Amphi-King pump the material in
20 that lagoon?

21 A. Yes, because the material was liquid.

22 Q. Was that before 2013?

23 A. Yes.

24 Q. Did you ever see the lagoon at that
25 Slaughterhouse?

1 A. Yes.

2 MR. STEMLER: I'm going to pull up
3 another exhibit. Can we take about a
4 five-minute recess, please?

5 VIDEOGRAPHER: The time is now 1:37 p.m.
6 and we're off the record.

7 (Off the record).

8 VIDEOGRAPHER: The time is now 1:43 p.m.
9 and we're on the record.

10 (Exhibit 46 marked.)

11 BY MR. STEMLER:

12 Q. Dr. Speerschneider, I've marked another
13 exhibit here. This has been marked as Defendant's
14 Exhibit 46. Do you see that document?

15 A. I can see it, yes.

16 Q. Do you recognize this document?

17 A. Yes, I know this document.

18 Q. What is it?

19 A. It shows the picture of the Conver which we
20 used before we bought it, and it shows the Conver
21 was run by a farmer, a farming company who has owned
22 this. And the man on the Conver is the employee of
23 the farmer.

24 Q. This was the vehicle you used before the
25 SenwaTec Amphi-King?

1 A. Yes.

2 Q. Do you know who created this document?

3 A. I did create it.

4 Q. Why did you create this document?

5 A. With this document, it was created around
6 2008. And it was for advertising for marketing but
7 also for explaining the clients' villages, what's
8 the problem with cleaning the pond and what
9 solutions we have for this.

10 Q. Was it part of your job to create documents
11 like this?

12 A. Yes.

13 Q. Was it normal for you to create documents
14 like this?

15 A. Yes.

16 Q. Does this document show the Conver vehicle
17 operating in a sewage sludge lagoon?

18 A. Yes, exactly that's --

19 MR. YACKEY: Objection, form.

20 A. -- the Conver vehicle. And you see the
21 pump (speaking German).

22 Q. Sorry. Allow me to rephrase the question.
23 What is shown in this picture?

24 MR. YACKEY: Form.

25 A. In this picture you see the stage of

1 getting liquid, the pond sewage sludge, but the
2 sewer sludge is liquid. And you'll see the pump and
3 the (speaking German).

4 INTERPRETER: The hose.

5 A. The hose, where they pump it to a container
6 or something that's outside the pump.

7 Q. And that's the Conver vehicle that's shown
8 in the picture?

9 A. It's the Conver vehicle, yes.

10 MR. STEMLER: I'll pass the witness.

11 MR. YACKEY: Actually, can I get a
12 read-out on the whole run time so far?

13 VIDEOGRAPHER: The total run time so far
14 is two hours and... Sorry. I need to update
15 it. Two hours and 50 minutes.

16 MR. YACKEY: 5-0?

17 VIDEOGRAPHER: Yes, sir.

18 MR. YACKEY: Do you mind if we take a
19 quick 10-minute break?

20 MR. STEMLER: No.

21 MR. YACKEY: That would be great.

22 Thanks.

23 VIDEOGRAPHER: The time is now 1:47 p.m.
24 and we're off the record.

25 (Off the record).

1 VIDEOGRAPHER: The time is now 1:58 p.m.
2 and we're on the record.

3 CROSS EXAMINATION

4 BY MR. YACKEY:

5 Q. Good afternoon, Dr. Speerschneider. Thank
6 you for your time today.

7 So where are you testifying from today?

8 A. Excuse me? What?

9 Q. Where are you presently located?

10 A. I'm presently located in Atlanta.

11 Q. And you're aware today that you're to give
12 deposition testimony in connection with a patent
13 infringement lawsuit filed by Nuhn Industries
14 against Bazooka Farmstar that's pending in the
15 United States District Court for the Southern
16 District of Iowa, case number 3:22-CV-00015-SMR-HCA;
17 is that correct?

18 A. Yes.

19 Q. Because my German is terrible, if I refer
20 to the company you worked for, UD Umwelt-Dienste, as
21 UD, if I give that shorthand will you understand
22 what I'm talking about?

23 A. Yes.

24 Q. Okay. So let's turn back to Defendant's
25 Exhibit 41. So, Taylor, if you can -- are you able

1 to bring that up on your end?

2 MR. STEMLER: Are you able to share it
3 on the Zoom screen, Scott?

4 MR. YACKEY: Yeah. Let me share it on
5 the Zoom screen. Let me try.

6 Q. (By Mr. Stemler) You have the Zoom in
7 front of you.

8 MR. STEMLER: I think if you could just
9 show it on the Zoom screen it will show up on
10 Dr. Speerschneider's laptop for him.

11 MR. YACKEY: Okay.

12 BY MR. YACKEY:

13 Q. Are you able to see that or -- is it large
14 enough?

15 A. Yes. Maybe a little bit larger. But I can
16 see it. It's perfect.

17 Q. So I'm going to be reading from your
18 English language version of your declaration. And
19 if anything that I read doesn't match with the
20 German language, please feel free to clarify or let
21 me know.

22 I guess the first question is did you draft
23 this declaration?

24 A. Yes, I did draft it.

25 Q. In German?

1 A. Yes, in German.

2 Q. Did you prepare the exhibits to your
3 declaration?

4 A. No. Mr. Taylor did it.

5 Q. Did you make any revisions to your
6 declaration?

7 A. Yes, some points.

8 Q. Do you recall what those revisions were?

9 A. Oh, I can't remember.

10 Q. Did you review all the exhibits prior to
11 signing your declaration?

12 A. Yes, I did.

13 Q. You mentioned that Mr. Stemler provided you
14 the two exhibits to your declaration; is that
15 correct?

16 A. Can you translate it?

17 INTERPRETER: (Speaking German) Yes,
18 that's correct.

19 Q. Do you recall when he provided those
20 exhibits to you?

21 A. (Speaking German)

22 INTERPRETER: It was around March or
23 April of this year.

24 Q. Do you recall if Mr. Stemler gave you any
25 other materials that formed the basis of your

1 declaration?

2 INTERPRETER: (Speaking German).

3 A. (Speaking German).

4 INTERPRETER: He showed me the
5 attachments to the declaration.

6 Q. And, to be clear, that's Exhibit A and
7 Exhibit B?

8 INTERPRETER: (Speaking German)

9 A. Correct.

10 INTERPRETER: Yes, that's correct.

11 Q. And nothing else?

12 INTERPRETER: (Speaking German) No,
13 nothing else no.

14 BY MR. YACKEY:

15 Q. So if we look at paragraph five -- actually
16 strike that.

17 Let's look to paragraph two. And you left
18 UD after 2017; is that correct?

19 A. Yes, that's correct.

20 Q. Prior to your departure from UD were you
21 responsible for maintaining the business records of
22 UD?

23 A. (Speaking German)

24 INTERPRETER: Yes, that's correct.

25 Q. After you left UD in 2017 do you know who

1 became responsible for maintaining the business
2 records of UD?

3 INTERPRETER: (Speaking German).

4 A. (Speaking German).

5 INTERPRETER: So UD Umwelt-Dienste
6 continues to exist in an office in the German
7 state of Hessen. And everything we have of
8 business records was given to the new
9 management.

10 Q. So was UD purchased by another company?

11 MR. STEMLER: Objection, form.

12 INTERPRETER: (Speaking German)

13 A. (Speaking German).

14 INTERPRETER: So the location where we
15 had our main seat of business in Rinnthal, that
16 was purchased by another company.

17 Q. Was the business UD purchased by another
18 company?

19 A. Not the whole business. Maybe I can
20 explain. The main business of UD Umwelt-Dienste was
21 technical, but also bringing sewage sludge on
22 fields. But we had also discussion, politic
23 discussions about if it's good or bad. And at the
24 end we got a new law, so it was impossible to do our
25 main business, which is bringing sewer sludge not

1 only from pods, also from other wastewater treatment
2 in this amount on the fields like we did before. So
3 we decided that we create most of the business and
4 only run a small business north of Frankfurt where
5 the owner also has his seat or his (speaking
6 German).

7 INTERPRETER: His business location.

8 A. And we have another, it was the technical
9 part, which was located at our office which is not
10 -- has to do with more technical things about
11 wastewater treatment, not with agriculture, and this
12 part runs further on but in a new company. So in
13 this case the company and, for me, I created at the
14 end of 2017 and get out of this company.

15 Q. So what's the entity that I guess purchased
16 UD?

17 INTERPRETER: (Speaking German)

18 A. (Speaking German)

19 INTERPRETER: So UD continues to exist
20 and it continues to belong to the (German),
21 which is, roughly translated, the Farmers
22 Association of the German state of Hessen.

23 A. Hessen, yeah. (Speaking German)

24 INTERPRETER: So UD continues to exist
25 in the state of Hessen and the technical part

1 that related to the pond cleaning, that was
2 sold to another company that also deals in
3 sewage and sludge.

4 A. (Speaking German)

5 INTERPRETER: And another part that's
6 technical equipment of sewage facilities that
7 was sold to an Austrian company.

8 A. (Speaking German) Is it okay, the answer
9 for you?

10 BY MR. YACKEY:

11 Q. It sounded like there was a last part in
12 German that I don't know if needed to be translated
13 or not.

14 A. (Speaking German)

15 INTERPRETER: So UD office continues to
16 exist, but the Austrian company that bought it
17 opened up a branch office there.

18 BY MR. YACKEY:

19 Q. Do you know the name of the Austrian
20 company?

21 A. Yeah. It's (German name).

22 REPORTER: Can you spell that?

23 A. It's E-Q-U-A and then next is
24 C-O-N-S-U-L-T.

25 Q. So if we turn to paragraph five of your

1 declaration, were you personally responsible for
2 marketing while you were at UD?

3 A. Yes, I was responsible for marketing.

4 Q. And did you personally distribute UD's
5 marketing materials to customers or potential
6 customers?

7 A. I did it and also employees who were
8 involved in advertising and running projects.

9 Q. So earlier you looked at Exhibit A to your
10 declaration, which I'm going to scroll down to here
11 now. It starts with the Bates number BAZ150025656
12 and ends on Bates number BAZ150025660; is that
13 correct?

14 A. That's correct, yes.

15 Q. And these were screen shots that were
16 provided to you by Mr. Stemler; is that correct?

17 A. Yes.

18 Q. And I believe we've watched portions of the
19 video from which these screen shots were taken; is
20 that correct?

21 A. That's correct, yes.

22 Q. Were you present when any of this video was
23 taken?

24 A. I was not present because it was at the
25 other office. I was not present during the video

1 that was made.

2 Q. Prior to your involvement in this case,
3 when was the last time you had seen this video?

4 A. The last time I see the video when I was
5 president of the UD Umwelt-Dienste because we use it
6 all the time until 2017, until we quit. We give up
7 the office in Rinnthal.

8 Q. So from 2017 until early in 2024 had you
9 seen this video?

10 A. No. I'm not involved anymore in this. I'm
11 retired.

12 Q. So if we look at the screen shots on the
13 first page of Exhibit A, BAZ150025656, have you ever
14 been to the location shown in this screen shot?

15 A. Yes, I've been there.

16 Q. What about the location shown on
17 BAZ150025657, were you ever in these locations?

18 A. At this location, I don't know. It was a
19 project... I'm not sure.

20 Q. And then if we turn to BAZ150025658, have
21 you ever been to the location shown in these screen
22 shots?

23 A. Yes. That was a location you've seen
24 before where they made the video, the main video of
25 the Amphi-King.

1 Q. So you've been to this location?

2 A. Yes, afterwards.

3 Q. After this video was taken?

4 A. Yes.

5 Q. And in this screen shot is the Amphi-King
6 in the reservoir here or outside?

7 A. Can you translate?

8 INTERPRETER: (Speaking German)

9 MR. STEMLER: Object to the form.

10 A. (Speaking German)

11 INTERPRETER: It's outside of the
12 reservoir.

13 BY MR. YACKEY:

14 Q. And if we turn to BAZ150025659, which is
15 the next page of Exhibit A, were you ever personally
16 present at these locations shown in these two screen
17 shots?

18 A. I don't know.

19 Q. If we turn to the last page I have in
20 Exhibit A, BAZ150025660, were you ever at this
21 location?

22 A. I can't remember.

23 Q. So if we go back up to your declaration,
24 with respect to paragraph eight, you testified
25 earlier about the Ifat Trade Show in Munich; is that

1 correct?

2 A. Yes.

3 Q. Were you at this trade show?

4 A. Yes, I was.

5 Q. Did you work in the UD booth at this trade
6 show?

7 A. Can you translate?

8 INTERPRETER: (Speaking German).

9 A. (Speaking German).

10 INTERPRETER: Yes, I was at the booth of
11 UD during that trade show.

12 BY MR. YACKEY:

13 Q. You state that you estimated around 1,000
14 people were at the trade show?

15 A. Yes, I estimated and I've seen something --
16 the last day I was looking for what they said about
17 the Ifat and it should be 125,000 I found in the
18 internet.

19 Q. Do you have anything in front of you today
20 that demonstrates that number other than your
21 recollection?

22 MR. STEMLER: Objection, form.

23 INTERPRETER: (Speaking German).

24 A. (Speaking German).

25 INTERPRETER: I don't have anything in

1 front of me today, but I did search the
2 internet and that's where I came up with the
3 125,000, and I also remember that back then
4 they expected more than 100,000 people.

5 BY MR. YACKEY:

6 Q. So during your time at UD how many Ifat
7 Trade Shows did you attend?

8 INTERPRETER: (Speaking German).

9 A. I can't say exactly. It was between two
10 thousand, I think -- after 2007, around -- no.
11 After the end when we quit it. But I can't say in
12 which years because they change the schedule of
13 years between one and the next Ifat.

14 Q. So were they at one point held annually?

15 A. No. At least every two years. And I think
16 it was more three before, but I'm not sure when they
17 switched.

18 Q. Do you know where those trade shows were?

19 A. They happened in Munich, in Germany.

20 Q. Was every one in Munich?

21 A. Yes.

22 Q. Is there anything else you recall about the
23 2012 Ifat Trade Show?

24 A. (Speaking German)

25 INTERPRETER: (Speaking German).

1 MR. STEMLER: Objection, form.

2 A. (Speaking German)

3 INTERPRETER: So there was an
4 international interest, if I recall, because
5 the problem also exist in Asia where you have
6 to clean ponds.

7 BY MR. YACKEY:

8 Q. So is there anything in particular that
9 stands out to you about the 2012 Ifat Trade Show
10 versus of the other trade shows that you attended?

11 MR. STEMLER: Objection, form.

12 INTERPRETER: (Speaking German)

13 A. (Speaking German)

14 INTERPRETER: I don't recall anything in
15 particular. As far as I recall the people who
16 attended always were similar in international
17 mix.

18 BY MR. YACKEY:

19 Q. So if we turn to paragraph nine of your
20 declaration, do you see there is a YouTube link in
21 that paragraph?

22 A. Yes.

23 Q. Have you viewed the video that's at that
24 link?

25 A. Yes, I did view it.

1 Q. You viewed it on YouTube?

2 A. Yes.

3 Q. Do you know when that video was uploaded to
4 YouTube?

5 MR. STEMLER: Objection, form.

6 A. I'm not sure. Don't know.

7 Q. Were you responsible for posting that video
8 to YouTube?

9 A. Yes.

10 Q. So you were the one that uploaded that
11 video to YouTube?

12 A. Not technical. It was -- in this case it
13 was Mr. Hauer who was responsible for the project,
14 and he uploaded different videos to YouTube at that
15 time and before.

16 Q. Would he have done that under a channel for
17 UD?

18 MR. STEMLER: Objection, form.

19 A. What does that mean?

20 INTERPRETER: (Speaking German).

21 A. (Speaking German).

22 INTERPRETER: No, we didn't have a
23 channel.

24 BY MR. YACKEY:

25 Q. So if we turn to paragraph 10 of your

1 declaration, you say -- and I'm reading from the
2 English translation, so correct me if I'm wrong.
3 "After the Ifat Trade Show and before August 2013
4 USB drives with a copy of the video were sent to
5 many interested customers of UD Umwelt-Dienste."

6 Do you recall personally sending these USB
7 drives?

8 A. Not only me personally. Mostly the
9 employees who has contact to the clients. So mostly
10 we get, at first, it was that we get of course
11 different kinds of companies are visiting us at the
12 Ifat and then ask to get information about different
13 things, and one of the information was to send them
14 USB sticks, if they need it.

15 Q. At the end of that sentence, in paragraph
16 10 it mentions EWE Wasser GmbH.

17 A. Yes. That was one of the big clients in
18 the north of Germany who had projects like this, and
19 they got it.

20 Q. Did you send it to them? Did you send the
21 USB stick to them?

22 A. I don't know exactly. I would believe that
23 was more Mr. Funck, who was working with them.

24 Q. So if we turn to paragraph 11, did you ever
25 drive the Amphi-King vehicle in a sewage slurry

1 lagoon?

2 A. I didn't do it myself. It was the Conver
3 before but not the Amphi-King.

4 Q. So you operated the Conver before?

5 A. Yes, one time when they need somebody.

6 Q. Was it in a sewage slurry lagoon?

7 A. It was a specialty slurry from a sugar
8 industry. It was a special project.

9 Q. So was that -- that was not like human
10 waste?

11 A. It's only part was human waste. The other
12 was from the industry process of making sugar.

13 Q. So I'm going to share another exhibit here.
14 So on my screen I shared what's been previously
15 marked as Defendant's Exhibit 39. Do you see that
16 on the screen?

17 A. Yes, I see.

18 Q. And that starts with BAZ150024426?

19 A. Yes, exactly.

20 Q. Do you need me to -- is that a little bit
21 better?

22 A. Yes, I can see it now.

23 Q. Were you present when any of these
24 photographs were taken?

25 A. I was not present during.

1 Q. Did you visit this facility at all or the
2 locations in these photographs?

3 A. I visit the company, but I can't remember
4 if it was during this building of the Amphi-King for
5 UD Umwelt-Dienste.

6 Q. Did you obtain these photographs?

7 A. No, I didn't. It was either Mr. Funck,
8 Mr. Hauer or Mr. Schroer.

9 Q. And Mr. Schroer was not an employee of UD;
10 is that correct?

11 A. Mr. Schroer was chief of SenwaTec, the
12 company who build the Amphi-King for us.

13 Q. And prior to your involvement in this case
14 had you seen these photographs?

15 A. Yes, I seen this and photographs like this
16 during the building of the Amphi-King.

17 Q. So we're now looking at -- still within
18 Defendant's Exhibit 39, I'm showing you the page
19 labeled BAZ150024568. Do you see that?

20 A. Yes, I see.

21 Q. Were you present when this photograph was
22 taken?

23 A. I don't think that I was present, but I
24 can't remember.

25 Q. And then if we turn to the next page,

1 BAZ150024569, were you present when this was taken?

2 A. I can't remember.

3 Q. And then the same for BAZ150024570, were
4 you present when this photograph was taken?

5 A. I don't know if I was present.

6 Q. I'm now sharing on the screen what was
7 previously introduced as Defendant's Exhibit 38.
8 Can you see that on your screen?

9 A. Yes, I can see.

10 Q. And that's labeled BAZ150024704?

11 A. Yes.

12 Q. Did you obtain this document?

13 MR. STEMLER: Objection, form.

14 A. This document was -- yes, I obtained it
15 because it was addressed to our office where I was
16 -- yes (speaking German).

17 Q. Did you provide this document to Mr.
18 Stemler as part of this litigation?

19 MR. STEMLER: Objection, form.

20 A. If I provide it? No.

21 Q. Do you know who did?

22 A. I don't know.

23 Q. Do you know if this was from SenwaTec's
24 records or UD's records?

25 MR. STEMLER: Objection, form.

1 A. I know this document, it explains
2 everything was, what we -- (speaking German).

3 INTERPRETER: The document shows what we
4 ordered, but I didn't have to document any
5 longer.

6 BY MR. YACKEY:

7 Q. Do you know if UD has this document in its
8 possession still?

9 MR. STEMLER: Objection, form.

10 A. I don't believe, because we -- in Germany a
11 company has to keep it 10 years, and we are now in
12 '24. So we only have to keep all documents from up
13 to 2014. So it could be that they have, but
14 normally they mustn't do it.

15 Q. So was this routine for UD to destroy
16 documents that were older than 10 years?

17 A. Yes, maybe when we get rid of documents to
18 get space. But I don't know what the new president
19 will do. And...

20 Q. Go ahead.

21 A. It's okay.

22 Q. I'm sharing what was previously introduced
23 as Plaintiff's Exhibit 2 on the screen for you. Can
24 you see that? I can zoom in. Can you see it now?

25 A. Yes.

1 Q. It starts with Bates label BAZ150001799.
2 Do you see that?

3 A. I can see, yes.

4 Q. And you were asked about this earlier
5 today. Do you recall being asked questions about
6 this?

7 A. Yes.

8 Q. And do you recall being asked about what
9 was in this sewage lagoon?

10 A. Can you translate, please?

11 INTERPRETER: (Speaking German).

12 A. (Speaking German).

13 INTERPRETER: No, I don't recall because
14 I probably wasn't there. That was other people
15 who did that.

16 BY MR. YACKEY:

17 Q. So do you see the photograph on this page
18 that describes cleaning the sewage pond in Mecklar?

19 A. Yes, right, I see.

20 Q. Were you ever -- did you ever visit that
21 sewage pond in Mecklar?

22 A. I'm not sure. I was more often in this
23 area because we had our office there. And Mr. Hauer
24 lived in Mecklar, so it was -- I think it might be,
25 but I can't remember exactly.

1 Q. The sewage ponds that UD Umwelt worked in,
2 was that just human waste, human sewage?

3 A. This was human waste.

4 Q. And they didn't have agricultural excrement
5 or excrement from farm animals?

6 A. Not as I know.

7 MR. STEMLER: Object to the form of that
8 last question.

9 BY MR. YACKEY:

10 Q. So I'm going to attempt to share on my
11 screen the video that we looked at earlier. Is this
12 large enough or would you like me to zoom in if
13 possible?

14 INTERPRETER: (Speaking German)

15 A. Maybe little bit zoom. That's okay.

16 Q. So this was previously introduced as
17 Defendant's Exhibit 40. And do you recall seeing
18 this video earlier today?

19 A. Yes, I've seen.

20 Q. And this is the video that the screen shots
21 in Exhibit A were taken from; is that correct?

22 MR. STEMLER: Object to the form.

23 INTERPRETER: This is a video of the
24 screen shots in Exhibit (speaking German)

25 A. (Speaking German).

1 INTERPRETER: Yes, I think so, yes.

2 MR. STEMLER: Scott, could you clarify
3 what Exhibit A you're referring to?

4 MR. YACKEY: Sorry, Taylor. What was
5 that?

6 MR. STEMLER: Could you please clarify
7 what Exhibit A you're referring to, like what
8 exhibit number it is?

9 MR. YACKEY: Yes. I apologize. That
10 should be Exhibit A to -- I believe that's
11 Defendant's Exhibit 41, his declaration.

12 MR. STEMLER: All right. Thanks.

13 MR. YACKEY: You're welcome.

14 BY MR. YACKEY:

15 Q. So we previously looked at the 23 second,
16 24 second mark of this video. And I believe you
17 previously testified that you have not been in this
18 location personally; is that correct?

19 A. Yes, I can't remember this.

20 MR. STEMLER: Objection, form.

21 A. I think I was after the video there, not
22 during. I remember it was after the video.

23 BY MR. YACKEY:

24 Q. I believe we looked at roughly the 44
25 second to 48 second mark of this video. Do you know

1 where this video, this portion of the video was
2 taken?

3 A. I don't know, but I think this specially
4 wasn't in another pond.

5 REPORTER: I'm sorry?

6 A. This was another pond.

7 Q. And was this another human waste sewage
8 pond?

9 A. Yes, it was.

10 Q. If we turn to one minute and 51 seconds of
11 this video and we play it here, the Amphi-King is
12 outside of the sewage lagoon; is that correct?

13 A. That's correct, yes.

14 Q. So if we look at three minute, 37 seconds,
15 do you know where this video was taken?

16 A. Yes. I don't know exactly the pond, but
17 it's in the area of Bad Hersfeld where all these
18 videos were made.

19 Q. Is this another human waste sewage
20 treatment facility?

21 MR. STEMLER: Objection, form.

22 A. I don't know.

23 Q. I'm still playing the video and sort of at
24 the four minute, six second mark. There is someone
25 in the Amphi-King; is that correct?

1 A. Yes.

2 Q. And who is driving the Amphi-King?

3 A. That was our employee Eckhard Funck.

4 Q. So he's in the Amphi-King and the
5 Amphi-King is currently in a human sewage waste
6 slurry lagoon; is that correct?

7 A. Yes, that's correct.

8 Q. I see that he's wearing like hearing
9 protection?

10 A. Yes, that's correct, yes.

11 Q. And sunglasses, right?

12 A. Yes.

13 Q. And he's got what appears to be no other
14 personal protective equipment; is that correct?

15 A. Not -- no.

16 Q. Is he wearing a mask over his mouth and
17 nose?

18 A. No.

19 Q. A respirator?

20 A. No.

21 Q. Is he wearing like a face vizor, face
22 covering of any sort?

23 A. Can you translate it, please?

24 INTERPRETER: (Speaking German).

25 A. No.

1 BY MR. YACKEY:

2 Q. Why wasn't he wearing more safety
3 equipment?

4 MR. STEMLER: Objection, form.

5 A. (Speaking German)

6 INTERPRETER: According to our
7 experience it wasn't necessary. There was
8 nothing that splattered into the boat.

9 BY MR. YACKEY:

10 Q. If things had splattered into the boat
11 would you have reconsidered him wearing additional
12 safety equipment?

13 A. (Speaking German)

14 INTERPRETER: Then we would have done
15 that, yes.

16 BY MR. YACKEY:

17 Q. So I'm continuing to play the video. So I
18 paused the video now at the five minute mark. Do
19 you see there's a pipe in the background?

20 A. Yes.

21 Q. And I'll play it a little bit longer. Do
22 you know, it looks like there's a fluid that's being
23 pumped into this lagoon. Do you know what that was?

24 A. (Speaking German)

25 INTERPRETER: There was one place where

1 the sludge was pumped in, but I don't know if
2 it was exactly at that place.

3 BY MR. YACKEY:

4 Q. Do you know where the sludge was pumped in
5 from?

6 A. (Speaking German)

7 INTERPRETER: So from the biological
8 purification basin, the sludge that was too
9 much was pumped into the intermediate storage.

10 BY MR. YACKEY:

11 Q. What do you mean by the sludge that was too
12 much?

13 A. (Speaking German)

14 INTERPRETER: During the biological
15 purification process the bacteria keep getting
16 more and more, and at some point the sludge
17 becomes too much and you have to pump off part
18 of it.

19 BY MR. YACKEY:

20 Q. If we look at minute 11, seven seconds of
21 this video, do you recall looking at this portion
22 earlier?

23 A. Yes, I have seen it earlier.

24 Q. At what point in the process was -- Do you
25 see on the screen a gentleman filling up a

1 container, a bottle?

2 A. Yes, a bottle. Yes, I see.

3 Q. At what point in the process was this done?

4 A. It was during the process when the pump,
5 pump the sewage sludge to the container. And in
6 this chain it was taking some samples at this point
7 before the container.

8 Q. Before the container?

9 A. Yes.

10 Q. Was this after the sewage lagoon had been
11 mixed?

12 A. Yes. The mixing in a sewage sludge lagoon,
13 like I explained before, it was layer by layer. So
14 you mix it, get liquid parts, pump it to the
15 container, and then stop it and mix again the next
16 layer of the lagoon.

17 Q. Would you get different total solids
18 measurements based on which layer you were sampling?

19 A. Normally, the deeper the layers are, the
20 higher is the dry matter percentage.

21 Q. I've now turned to minute 11, 57 seconds.
22 I believe this is the portion that you looked at
23 earlier today; is that correct?

24 A. Yes, that's correct.

25 Q. And there's a number shown on the screen?

1 A. Yes.

2 Q. And what's that number?

3 A. This number shows the percentage of dry
4 matter as a result of analyzing the probe. It's
5 11.22 percent of dry matter.

6 Q. Again, this was after -- was this after the
7 lagoon was mixed?

8 A. It was -- the process was all the same.
9 (Speaking German)

10 INTERPRETER: It was always layer for
11 layer where it was mixed and then it was pumped
12 off and measured, and then the next layer was
13 mixed and pumped off and measured.

14 BY MR. YACKEY:

15 Q. Okay.

16 MR. YACKEY: I think we've been going
17 for about an hour. Do you mind if we take
18 about a five-minute break?

19 MR. STEMLER: That sounds good.

20 VIDEOGRAPHER: The time is now 2:59 p.m.
21 and we are off the record.

22 (Off the record).

23 VIDEOGRAPHER: The time is 3:11 p.m. and
24 we are on the record.

25 BY MR. YACKEY:

1 Q. Welcome back. We just got back from a
2 short break. Did you discuss this case with anyone
3 during the break?

4 A. No, I didn't.

5 Q. Earlier I believe you answered some
6 questions related to a slaughterhouse project --

7 A. Yes.

8 Q. -- is that correct?

9 A. Yes.

10 Q. Do you have any documents regarding that
11 slaughterhouse project?

12 A. No. Really I don't have any documents
13 anymore.

14 Q. Does UD have any documents regarding that
15 slaughterhouse project?

16 A. They could have some documents because it
17 was in the range of 10 years. And I gave everything
18 to UD Umwelt-Dienste. So at the moment I gave it to
19 UD they were supposed to -- they should keep this,
20 but I don't know if they still have it.

21 Q. So do you know when this project took
22 place?

23 A. I don't know. I only know it's before
24 2013, in this area.

25 Q. Did you say before 2013?

1 A. Yes.

2 Q. Was that a yes?

3 A. Yes.

4 INTERPRETER: (Speaking German).

5 A. (Speaking German).

6 INTERPRETER: Yes, before 2013.

7 BY MR. YACKEY:

8 Q. How do you know that it was before 2013?

9 A. I know because it was in the long range
10 between -- 2010 and so on, but I don't know exactly
11 when it was.

12 Q. Could it have been after 2013?

13 A. I don't remember the project because it was
14 in the last four years or five where we exit -- I
15 would remember when it was new or one of our last
16 projects.

17 Q. Did Mr. Funck work on this project?

18 A. I'm not sure.

19 Q. What about Mr. Hauer -- is that the correct
20 pronunciation?

21 A. I don't know.

22 Q. Do you know where this slaughterhouse
23 project was?

24 A. It was in Bavaria. There were different
25 people having projects, different employees of UD

1 Umwelt-Dienste, so I don't know who was already
2 involved in this project.

3 Q. And other than being located in Bavaria, do
4 you have any other more specific information as to
5 where this project was?

6 A. I don't know, because it was not so a big
7 deal because it was only changing -- pumping from
8 one pump to the other. It was not real big like
9 bringing sewage sludge on the fields, which is a
10 much bigger process. It was just pumping from one
11 to the other, so it was not a real interest project
12 for us.

13 Q. So sitting here today you're not aware of
14 any documentation that would show UD's involvement
15 in that slaughterhouse project?

16 MR. STEMLER: Objection to form.

17 A. I don't know. I don't have any documents.
18 BY MR. YACKEY:

19 Q. Was that the only time that UD was involved
20 in that slaughterhouse project?

21 A. As I remember, it's the only project.
22 Once.

23 Q. I sort of want to step back to the
24 beginning a little bit. Do you have -- You have a
25 Ph.D.; is that correct?

1 A. Yes, that's correct.

2 Q. What was your undergraduate degree in?

3 A. It was (speaking German).

4 INTERPRETER: Undergraduate degree.

5 A. It was engineer in agriculture.

6 Q. Did you get any degrees between your
7 undergraduate and your Ph.D.?

8 A. No.

9 INTERPRETER: (Speaking German) No.

10 Those are the two degrees that I have.

11 BY MR. YACKEY:

12 Q. And what is your Ph.D. in, what area of
13 focus?

14 A. It's focused in soil science and
15 environmental.

16 Q. So how many years of experience do you have
17 in marine vehicles?

18 A. We had --

19 MR. STEMLER: Objection, form.

20 A. Marine vehicles, it was I think at the time
21 around 2000, beginning of 2000 with the Conver up to
22 the end when I was employed, 2017.

23 Q. Do you have any experience designing marine
24 vehicles?

25 A. No, we don't -- we never designed marine

1 vehicles ourselves.

2 Q. Do you have any experience in designing
3 off-road vehicles?

4 A. Excuse me? Off road?

5 INTERPRETER: (Speaking German)

6 A. No, we never designed off-road vehicles.

7 Q. Do you have any experience working with
8 livestock manure?

9 A. Not personal experience, only with our
10 farmers who work with livestock and manure.

11 Q. But you have no personal experience?

12 A. I don't have practical experience with
13 this.

14 Q. Do you have any experience in designing
15 fluid pumps?

16 A. No. I never did -- even our company never
17 does design fluid pumps.

18 Q. I'm assuming you've never been a livestock
19 farmer; is that correct?

20 A. Yes, that's right.

21 Q. Were you ever a commercial manure
22 applicator?

23 MR. STEMLER: Objection, form.

24 A. We had a small project with a company from
25 Netherlands where to put manure from Netherlands on

1 fields in Germany to give fertilizer to farmers.

2 Q. Do you have any personal experience with
3 doing the application of the manure on the fields?

4 A. No, I never. I'm not -- no practical
5 experience, because the farmer does it. It's not a
6 subject of our company to do things what farmers can
7 do by themselves.

8 Q. Do you have any personal experience with
9 livestock manure?

10 MR. STEMLER: Objection to form.

11 A. What do you mean personal experience?

12 Q. Have you ever worked personally with
13 livestock manure?

14 A. Not really. We had some -- made some
15 experiments with livestock manure to get out the
16 phosphorus from pork manures, as fertilizer. Pig
17 manure.

18 Q. Do you have any personal experience being
19 around manure lagoons?

20 MR. STEMLER: Objection to form.

21 A. (Speaking German)

22 INTERPRETER: (Speaking German).

23 A. Not really. In my childhood, yes. We had
24 a farm, but we didn't run it later on.

25 BY MR. YACKEY:

1 Q. So you had a small farm as a child?

2 A. Very small, up to when I was a very small
3 kid, before we sold it.

4 Q. Do you recall when your family sold that
5 farm?

6 A. Excuse me?

7 INTERPRETER: (Speaking German).

8 MR. STEMLER: Objection to form.

9 A. It was in the beginning of the '60s.

10 Q. When did you get to Atlanta in preparation
11 for your deposition today?

12 A. I got with the flight on last Sunday.

13 Q. And what did you do to prepare for your
14 deposition today?

15 A. I had a meeting with Mr. Taylor yesterday.

16 Q. Was yesterday the only day that you met?

17 A. Yes.

18 Q. Had you met with him personally before
19 yesterday?

20 A. No. No, I didn't.

21 Q. About how long did you meet yesterday in
22 preparation for your deposition?

23 MR. STEMLER: Objection. Calls for
24 attorney/client privileged information.

25 Dr. Speerschneider, you can answer the

1 question and tell Scott how long we met for,
2 but don't reveal the substance of what we
3 discussed.

4 A. I don't know how long we met.

5 BY MR. YACKEY:

6 Q. Did you pay for your travel expenses to
7 come to the United States?

8 A. No, I didn't.

9 Q. Do you know who did?

10 A. Excuse me?

11 Q. Do you know who did?

12 A. I don't know actually. I think it was -- I
13 don't know exactly who did it.

14 Q. Are you being reimbursed for any expenses
15 while you're here in the United States?

16 A. Only the hotel.

17 Q. Have you been retained as a consultant in
18 this case?

19 A. (Speaking German)

20 INTERPRETER: (Speaking German)

21 MR. STEMLER: Objection, form.

22 A. No.

23 BY MR. YACKEY:

24 Q. Do you know if UD has been retained as a
25 consultant in this case?

1 INTERPRETER: (Speaking German)

2 MR. STEMLER: Objection, form.

3 A. (Speaking German)

4 INTERPRETER: I don't know.

5 BY MR. YACKEY:

6 Q. And are the attorneys from Merchant & Gould
7 representing you?

8 INTERPRETER: (Speaking German)

9 A. Yes.

10 Q. Do you know when that representation began?

11 INTERPRETER: (Speaking German)

12 A. (Speaking German)

13 INTERPRETER: It started at the time
14 when I signed my declaration in German, in
15 April.

16 BY MR. YACKEY:

17 Q. I'm sharing on my screen what was
18 previously marked as Defendant's Exhibit 46. Do you
19 see that on your screen?

20 A. Yes, I see.

21 Q. Do I need to zoom in or is this big enough
22 for you?

23 INTERPRETER: (Speaking German)

24 A. Yes, it's big enough. I see.

25 Q. Did you provide this document?

1 A. Yes, I did.

2 Q. To Merchant & Gould?

3 A. Yes.

4 Q. You did?

5 A. Yes.

6 Q. Where did you get this document?

7 A. I was -- I created it myself.

8 Q. When did you create this document?

9 A. It must be around 2008.

10 Q. And you provided this to Merchant & Gould?

11 A. Yes, I provided this.

12 Q. Do you recall when you provided this to
13 Merchant & Gould?

14 A. I think it was this month.

15 Q. Where did you get this document in order to
16 provide it to Merchant & Gould?

17 A. I found it on the computer.

18 Q. Was it your computer, your personal
19 computer?

20 A. Yes -- I got the old computer from the
21 company and this was provided on this computer. I
22 found it.

23 Q. Do you still have -- so you are in
24 possession of an old computer from UD?

25 A. It belonged to the -- this computer belongs

1 to the new company. And I was looking if they had
2 maybe an old document about wastewater cleaning.

3 Q. So can you walk me through how you obtained
4 this document?

5 A. At the new company there's an old server,
6 an old computer, and I have still access to this
7 one. And this is the document I found there.

8 Q. Have you had access to that server since
9 you -- the entire time from when you left in 2017 to
10 the present?

11 A. Yes.

12 Q. Do you know why as a retired employee you
13 still have access to the company servers?

14 A. Because I was working by myself after 2017
15 in projects, different projects, and we could use --
16 the new company takes all the computers and
17 everything, and we can use a room and a computer and
18 could take the old computer. And -- I did some work
19 for UD after 2018, but not as employee but as a kind
20 of freelancer, to finish some projects. So we
21 needed the old computer.

22 Q. So is the old computer in your house?

23 A. No.

24 Q. Where is the old computer located?

25 A. It's located in the former office where now

1 the new company works from.

2 Q. Is it routine that they allow departed
3 employees to access their computers?

4 A. It's agreement between me and the new
5 company, which are mostly employees from the old
6 company, that we can use the room for office and
7 also we can access the old server, not the new
8 server for the company, the old server which is not
9 used anymore.

10 Q. Are you still --

11 A. So sometimes maybe we get a request from UD
12 or something, so I have a chance to maybe find some
13 documents from something. That was a couple of
14 years ago, but at the moment I don't do anything for
15 UD anymore. Everything is finished now.

16 Q. So after you retired in 2017 you became an
17 independent consultant for UD?

18 A. I retired -- not retired. I do a new job
19 for myself, kind of freelancing. And I retired
20 three years ago, but I'm still working at projects
21 beyond my retirement.

22 Q. And if I understood you correctly, you said
23 you no longer do work for UD?

24 A. No. There is no proposed -- If there are
25 some questions, UD sometimes ask me for something.

1 Of course, I will tell them if I know anything and
2 help them. But I don't know of -- Everything is
3 complete, finished now with the project. After we
4 finished --

5 Q. When did you -- Sorry. I'll let you
6 finish.

7 A. Everything is finished now, that's correct.

8 Q. When did the last project you worked on
9 finish for UD?

10 MR. STEMLER: Objection, form.

11 A. I can't say exactly.

12 Q. Was it before or after you executed your
13 declaration?

14 A. It was before. It must be at least three
15 years ago.

16 Q. Did you receive any compensation from
17 anyone to draft your declaration?

18 A. No. Because my first declaration, I made
19 it in April, and it was just for me to declare that
20 I know about this and what happens, like I made in
21 the declaration. And I didn't think about going to
22 -- have to go to the U.S. So in April when I made
23 the declaration, I didn't change the declaration
24 until now.

25 Q. Did you receive any compensation for

1 signing your declaration?

2 A. No, I didn't.

3 Q. How about did you receive any compensation
4 for the time you spent --

5 A. No.

6 Q. -- preparing your declaration?

7 A. No.

8 Q. Any compensation for the time you spent
9 preparing for this deposition?

10 A. Also no. It's not much time.

11 Q. After today are you going to be in the
12 United States a while longer or are you returning
13 directly back home?

14 A. I will drive around some in the southern
15 states.

16 MR. YACKEY: Do you mind if we take
17 another five-minute break?

18 MR. STEMLER: No.

19 VIDEOGRAPHER: The time is now 3:36 p.m.
20 and we are off the record.

21 (Off the record).

22 VIDEOGRAPHER: The time is now 3:42 p.m.
23 and we are on the record.

24 MR. YACKEY: I'll pass the witness.

25 MR. STEMLER: I'm going to take a quick

1 break. Sorry. I need to look through my
2 notes. Give me two minutes.

3 VIDEOGRAPHER: The time is 3:42 p.m. and
4 we are off the record.

5 (Off the record).

6 VIDEOGRAPHER: The time is 3:43 p.m. and
7 we are on the record.

8 REDIRECT EXAMINATION

9 BY MR. STEMLER:

10 Q. Dr. Speerschneider, earlier today we
11 discussed the video which I marked as Defendant's
12 Exhibit 40. Do you remember that?

13 A. Yes.

14 Q. I think you told Scott that you haven't
15 seen that video since 2017. Before 2017 had you
16 seen that video many times?

17 A. Before 2017, yes. It was part of our
18 advertisement.

19 Q. And you have watched that video many times?

20 A. Yes.

21 Q. If you had to estimate --

22 A. Showing it to the customers and explain.

23 Q. How many times do you think you've seen
24 that video?

25 A. Oh, gosh, I don't know. At least at each

1 Ifat.

2 Q. Was it playing all day at that Ifat
3 presentation?

4 A. Yes. Specially two screens. One was
5 specially for the pond cleaning.

6 Q. Was that video playing kind of on a loop
7 the whole time?

8 A. Yes.

9 Q. Were the lagoons that UD Umwelt-Dienste
10 operated -- Scratch that.

11 You mentioned that slaughterhouse lagoon
12 earlier.

13 A. Yes.

14 Q. At that slaughterhouse lagoon UD
15 Umwelt-Dienste performed some pumping services at,
16 right?

17 A. Yes, it was pumping services.

18 Q. You personally saw that slaughterhouse
19 lagoon?

20 A. I saw the slaughterhouse lagoon when we
21 were the first time there to see, but I was not then
22 later involved in the project.

23 Q. And what type of fecal material was in that
24 lagoon?

25 A. What kind of?

1 Q. What kind of fecal matter --

2 A. (Speaking German)

3 MR. STEMLER: Ruth, you're on mute.

4 INTERPRETER: (Speaking German)

5 A. First it was mainly chicken and ducks and
6 of course also some fecal from humans, but mainly it
7 was for chickens and ducks.

8 Q. Have you ever seen any other lagoons that
9 contained animal manure?

10 A. Once we had -- it was a lagoon for the fish
11 industry, fish farming.

12 Q. Did UD Umwelt-Dienste pump that lagoon?

13 A. Excuse me?

14 Q. Did UD Umwelt-Dienste --

15 A. Yes, we pump it.

16 Q. With the Amphi-King?

17 A. I don't know. Can't remember.

18 Q. Would it either have been the Amphi-King or
19 the Conver vehicle?

20 A. Yes, one of both.

21 Q. One of the two?

22 A. One of the two.

23 Q. Was that before 2013?

24 A. I can't remember.

25 Q. Going back to that slaughterhouse lagoon,

1 was that any more difficult to pump than the human
2 sewage lagoons?

3 MR. YACKEY: Objection, form.

4 A. It was the same, same difficulty. The only
5 thing was -- it was the same. It was liquid, so it
6 would pump...

7 Q. You mentioned that while you were president
8 of UD Umwelt-Dienste you destroyed some documents
9 after you held on to them after 10 years, right?

10 A. Yes. Normally -- especially when we give
11 up the office, we destroyed the old and give maybe
12 not all but as much as possible, give the other --
13 mostly -- we have mostly documents on paper, so
14 maybe they have some files somewhere. But we didn't
15 scan those, something like this. So we give those
16 documents to UD Umwelt-Dienste.

17 Q. Did you always destroy them after 10 years
18 or were there some times where those documents were
19 held onto?

20 A. Sometimes from location...

21 Q. Did you ever watch Eckhard Funck pump
22 sewage sludge with the Amphi-King before 2013?

23 A. Yes, several times.

24 MR. STEMLER: I'll pass the witness.

25 RECROSS EXAMINATION

1 BY MR. YACKEY:

2 Q. With respect to the slaughterhouse project,
3 did I understand you correctly that you were -- you
4 visited that lagoon at the beginning of the project;
5 is that correct.

6 A. Yes, I can remember this.

7 Q. But that you were not present at the lagoon
8 while it was being pumped; is that correct?

9 A. That's correct, yes.

10 Q. And you don't recall who did the pumping at
11 the project?

12 A. I guess it was Mr. Funck who pumped it, but
13 I'm really not sure.

14 Q. When you said that you had seen Mr. Funck
15 pump a sewage lagoon, was that in person, you saw
16 that in person?

17 A. Several projects I was there in person at
18 the lagoon, in several projects.

19 MR. YACKEY: I have no further
20 questions. Thank you for your time today.

21 MR. STEMLER: I've got just a couple
22 more. I'm sorry.

23 FURTHER REDIRECT EXAMINATION

24 BY MR. STEMLER:

25 Q. Dr. Speerschneider, did customers typically

1 pay UD Umwelt-Dienste before or after it performed
2 its lagoon-pumping services?

3 A. Afterwards. Because they didn't know how
4 much -- one never knows how much sewage sludge is
5 inside the lagoon. So we have to find out during
6 the process, measuring how many cubic meters.

7 Q. And this will probably seem like a dumb
8 question, but if you didn't do any pumping, would
9 they pay you?

10 A. No, they didn't.

11 Q. Did the slaughterhouse hire UD
12 Umwelt-Dienste to do the pumping?

13 A. Yes, they did.

14 Q. And did they pay UD Umwelt-Dienste for
15 doing that job?

16 A. I'm sure they paid. Of course, I can't
17 remember the project so much.

18 Q. Would you remember if they hadn't paid?

19 A. I would remember if they wouldn't pay, yes.

20 MR. STEMLER: No further questions.

21 MR. YACKEY: No further questions from
22 my end.

23 MR. STEMLER: We'll review and sign.

24 VIDEOGRAPHER: This concludes this
25 videotaped deposition. The time is 3:53 p.m.

and we are off the record.

(Signature reserved.)

(Deposition concluded at 3:53 p.m.)

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CERTIFICATE

STATE OF GEORGIA:

COUNTY OF FULTON:

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the colloquies, questions and answers were reduced to typewriting under my direction; that the transcript is a true and correct record of the evidence given upon said proceeding.

I further certify that I am not a relative or employee or attorney of any party, nor am I financially interested in the outcome of this action.

I have no relationship of interest in this matter which would disqualify me from maintaining my obligation of impartiality in compliance with the Code of Professional Ethics.

I have no direct contract with any party in this action and my compensation is based solely on the terms of my subcontractor agreement.

Nothing in the arrangements made for this proceeding impacts my absolute commitment to serve all parties as an impartial officer of the court.

This the 30th day of October 2024.



Lucy C. Rateau, RPR, CCR 2766

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October 30, 2024

To: Taylor R. Stemler, Esq.

Case Name: Nuhn Industries LTD v. Bazooka Farmstar LLC

Veritext Reference Number: 6960915

Witness: Reinhard Speerschneider , PhD Deposition Date:
10/23/2024

Dear Sir/Madam:

Enclosed please find a deposition transcript. Please have the witness review the transcript and note any changes or corrections on the included errata sheet, indicating the page, line number, change, and the reason for the change. Have the witness' signature notarized and forward the completed page(s) back to us at the Production address shown

above, or email to production-midwest@veritext.com.

If the errata is not returned within thirty days of your receipt of this letter, the reading and signing will be deemed waived.

Sincerely,

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DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 6960915

CASE NAME: Nuhn Industries LTD v. Bazooka Farmstar LLC

DATE OF DEPOSITION: 10/23/2024

WITNESS' NAME: Reinhard Speerschneider , PhD

In accordance with the Rules of Civil
Procedure, I have read the entire transcript of
my testimony or it has been read to me.

I have made no changes to the testimony
as transcribed by the court reporter.

Date Reinhard Speerschneider , PhD

Sworn to and subscribed before me, a
Notary Public in and for the State and County,
the referenced witness did personally appear
and acknowledge that:

They have read the transcript;
They signed the foregoing Sworn
Statement; and
Their execution of this Statement is of
their free act and deed.

I have affixed my name and official seal
this _____ day of _____, 20____.

Notary Public

Commission Expiration Date

DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 6960915

CASE NAME: Nuhn Industries LTD v. Bazooka Farmstar LLC

DATE OF DEPOSITION: 10/23/2024

WITNESS' NAME: Reinhard Speerschneider , PhD

In accordance with the Rules of Civil
Procedure, I have read the entire transcript of
my testimony or it has been read to me.

I have listed my changes on the attached
Errata Sheet, listing page and line numbers as
well as the reason(s) for the change(s).

I request that these changes be entered
as part of the record of my testimony.

I have executed the Errata Sheet, as well
as this Certificate, and request and authorize
that both be appended to the transcript of my
testimony and be incorporated therein.

Date

Reinhard Speerschneider , PhD

Sworn to and subscribed before me, a
Notary Public in and for the State and County,
the referenced witness did personally appear
and acknowledge that:

They have read the transcript;
They have listed all of their corrections
in the appended Errata Sheet;
They signed the foregoing Sworn
Statement; and
Their execution of this Statement is of
their free act and deed.

I have affixed my name and official seal
this _____ day of _____, 20____.

Notary Public

Commission Expiration Date

ASSIGNMENT NO: 6960915

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Date _____ Reinhard Speerschneider , PhD
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DAY OF _____, 20____ .

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Commission Expiration Date

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate.

The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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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