

1 IN THE UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF TEXAS  
3 VICTORIA DIVISION

4 \_\_\_\_\_ )  
5 SAN ANTONIO BAY ESTUARINE )  
6 WATERKEEPER and SYLVIA )  
7 DIANE WILSON, )  
8 Plaintiffs, )  
9 VS. ) CIVIL ACTION NO.  
10 ) 6:17-CV-47  
11 )  
12 FORMOSA PLASTICS CORP., TEXAS, )  
13 and FORMOSA PLASTICS CORP., )  
14 U.S.A., ) 8:35 A.M.  
15 Defendants. )  
16 \_\_\_\_\_ )

11 BENCH TRIAL  
12 BEFORE THE HONORABLE KENNETH M. HOYT  
13 MARCH 25, 2019  
14 VOLUME 1

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**Ms. Johnson Direct of Diane Wilson**

1 **A** I'm sorry.

2 **Q** That's all right. That's all right.

3 **A** Sorry.

4 **Q** We're going to do it.

5 Is that the shoreline or the water?

6 **A** Most -- I think -- I think that's a shoreline because it --  
7 because you -- there's a -- off of -- off of the creek, and it's  
8 in the water, but then there's a line of free-floating  
9 vegetation, and then there's the main creek again.

10 So there's this really wide open clear place that I can  
11 readily get the kayak. I can take it all the way to 12, if I  
12 wanted to.

13 **Q** Okay.

14 **MS. JOHNSON:** So let's keep going to 8.

15 **BY MS. JOHNSON:**

16 **Q** And how often do you kayak at Cox Creek now?

17 **A** I try to do it at least, on the average, once a week. I  
18 have -- did it twice a week sometimes, and then sometimes I  
19 didn't do it for two weeks. But I really try to do it at least  
20 once a week.

21 **Q** Do you -- now, do you have an estimate of going from SH 35  
22 from 006 to Outfall 12, how far is that?

23 **A** Let me see. It probably takes me -- to go up there and come  
24 back, it's three, three and a half hours.

25 **Q** Do you have an idea of the distance that you've traveled?

**Ms. Johnson Direct of Diane Wilson**

1 bridge -- an iron bridge, and you literally got to wiggle your  
2 way underneath it. You got to duck your head and -- and avoid  
3 the snakes and the spiders and -- and -- but you do have to go  
4 underneath bridge to get there.

5 **Q** Okay. So this is Figure X, and this is Outfall 0012 [sic].  
6 It looks like this is more powder than pellets.

7 **A** I think there -- at that time, maybe there was, but -- but I  
8 have seen it with pellets, mainly, and it's generally -- 12 is  
9 the least of all of them.

10 **Q** Okay. Twelve usually has the least amount?

11 **A** Yes.

12 **Q** Okay.

13 **A** Yes. In my estimate, anyway.

14 **Q** This is another picture of 012?

15 **A** Yeah.

16 **Q** Okay.

17 **MS. JOHNSON:** Thank you.

18 **BY MS. JOHNSON:**

19 **Q** There's been some discussion about the quantification of  
20 pellets, and I believe you've been involved in a project with  
21 the Mission-Aransas National Estuarine Research Reserve is that  
22 right?

23 **A** That's true.

24 **Q** And it's -- they call it the Nurdle Patrol?

25 **A** That's true.