

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.,) 8:31 A.M.
15 Defendants.)
16 _____)

17 BENCH TRIAL
18 BEFORE THE HONORABLE KENNETH M. HOYT
19 MARCH 265, 2019
20 VOLUME 2

21 APPEARANCES:

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Mr. Bright Direct of Dale Jurasek

1 of time, you may have some information for the Court that other
2 witnesses don't have.

3 Like, let's look at this exhibit here, which is Exhibit 8-
4 -- Exhibit 80, and this is dated September 11, 1998, okay, over
5 20 years ago. And I believe Exhibit 80 is -- consists of some
6 notes -- some written notes that you took; is that fair?

7 Is that your handwriting?

8 **A** Yes, sir, that sure is.

9 **Q** Okay. And let me read something to you and -- and see if we
10 can figure out -- you know, put this in context.

11 It says: (Reading) 006 outfall flowing at about
12 300 gallons per minute. Noticed PVC pellets on stairs going
13 down on 006. The screen that normally catches these pellets had
14 been opened in order to --

15 What in the world? Your handwriting, sir.

16 So let's talk about what this is, and then maybe I can
17 figure out -- I can decipher it.

18 So do you remember taking those notes and what that was
19 about? I know you were asked about it in your deposition, fair?

20 **A** I'm sorry? Say again.

21 **Q** You were asked about this in your deposition. Do you
22 remember?

23 **A** Yes.

24 **Q** So what is this thing, this back in September 11, 1998,
25 there's this document that is marked as Exhibit 80, and it has

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1 handwritten notes on a form that says, "Engineering Service
2 Department" -- some kind of reform -- report form, right?

3 **A** I do not recall the -- the top, what you're calling it up
4 there, engineering --

5 **Q** Right. It's some kind --

6 **A** -- report form.

7 **Q** -- of report form?

8 **A** But a lot of these notes I had taken for EPA and the FBI.

9 **Q** All right. So let's talk about that.

10 There was a time when you were in contact or they were in
11 contact with you, the EPA and -- the Environmental Protection
12 Agency and the FBI, is that right?

13 **A** That is correct.

14 **Q** And what was the purpose of that?

15 **A** I became the whistleblower.

16 **Q** All right.

17 **A** And --

18 **Q** This is when you were working at the Point Comfort plant for
19 Formosa, fair?

20 **A** Yes. At the expansion side.

21 **Q** All right. And what were you doing for the EPA and the FBI?

22 **A** I was gathering information that would -- was, basically,
23 wrongdoing that was going on throughout the plant and safety
24 hazards and environmental hazards. It was -- because it was out
25 of control, you know. It was really bad.

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1 Q Well, let me -- I want to focus on pellets here, but -- so
2 on September 11, 1998, you're making notes that talk about
3 pellets in the stormwater discharges at Outfall 006. That's
4 what we see there, fair?

5 A Correct.

6 Q All right.

7 A And that is my handwriting.

8 Q All right. And so we talk about pellets being on the
9 discharge side of 006 Outfall in ditch. See that? I'm telling
10 you that's what it says, but that's --

11 A Yes. I see that.

12 Q All right. What does that mean, when you say pellets on the
13 discharge side of 006 Outfall in ditch? Where are we talking
14 about?

15 A You're talking about on the outside of the gate that would
16 leave -- leave the ditch going to Cox's Creek.

17 Q All right. Is that, oh, kind of the -- by the SH 35 -- that
18 SH 35 bridge there?

19 A Yes, sir.

20 Q All right. And who did you report that to?

21 A I also -- I had reported that to my supervisor and my
22 manager.

23 Q Do you remember their names?

24 A Vick LeFevre and Joey Chen.

25 Q Your supervisor, manager who worked at Formosa?