

COPY

STATE OF NORTH CAROLINA
COUNTY OF ONSLOW

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO: 01-CVS-566

IN RE: ANNIE JOHNSON,
HOLLY DENISE WEISS AND
JEROME M. ENSMINGER

) D-E-P-O-S-I-T-I-O-N
) OF
) ETHEL MELTS

* * * * *

APRIL 12, 2001, AT THE LAW OFFICES OF WARLICK, MILSTED, DOTSON
& CARTER, 320 NEW BRIDGE STREET, JACKSONVILLE, NORTH CAROLINA

APPEARANCES OF COUNSEL:

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EXAMINATION OF THE WITNESS

BY MR. DUFFUS: 1 - 9

BY MR. HOPF: 10 - END

BY MR. KANE: (DID NOT EXAMINE)

1 MR. KANE: AND AS WITH MISTER MELTS, WE'RE GOING
2 TO RESERVE OUR OBJECTIONS EXCEPT TO THE FORM OF THE
3 QUESTIONS.

4 ETHEL MELTS, BEING BY ME FIRST DULY SWORN TO
5 SPEAK THE TRUTH, DEPOSES AND SAYS:

6 ON EXAMINATION CONDUCTED BY J. DAVID DUFFUS,
7 ESQUIRE:

8 Q. GOOD AFTERNOON, MRS. MELTS.

9 A. GOOD AFTERNOON.

10 Q. HOW ARE YOU DOING THIS AFTERNOON?

11 A. FINE.

12 Q. I'M DAVID DUFFUS, AND I'M AN ATTORNEY. SITTING
13 TO MY LEFT IS JIM HOPF. HE'S ALSO AN ATTORNEY AND WE HAVE
14 SOME QUESTIONS WE'D LIKE TO ASK YOU TODAY ABOUT YOUR
15 HUSBAND'S BUSINESS, A.B.C. ONE HOUR CLEANERS. AND WE
16 APPRECIATE YOU APPEARING.

17 AND WITH THAT ADDRESS, COULD YOU STATE YOUR NAME
18 FOR THE RECORD, PLEASE?

19 A. ETHEL MELTS.

20 Q. AND WHAT IS YOUR RESIDENCE ADDRESS, MRS. MELTS?

21 A. 317 COUNTRY CLUB DRIVE, JACKSONVILLE.

22 Q. AND HOW OLD ARE YOU AT THE PRESENT TIME? I'M
23 NOT TRYING TO EMBARRASS YOU OR ANYTHING.

24 A. I'LL BE SIXTY-NINE NEXT MONTH.

25 Q. AND WHAT IS YOUR STATE OF HEALTH?

1 A. IT'S - WELL, I HAVE A LITTLE HEART TROUBLE, AND
2 I HAVE SOME BYPASSES.

3 Q. ARE YOU MARRIED TO VICTOR MELTS?

4 A. YES.

5 Q. AND DO YOU AND MISTER MELTS HAVE ANY CHILDREN?

6 A. WE HAVE SIX.

7 Q. IS ONE OF YOUR CHILDREN, MARIA, SEATED HERE IN
8 THE ROOM WITH US TODAY?

9 A. YES; SHE'S THE OLDEST.

10 Q. AND IT'S MY UNDERSTANDING THAT YOUR HUSBAND
11 INCORPORATED, OR STARTED A.B.C. ONE HOUR CLEANERS BACK IN THE
12 1950'S, IS THAT RIGHT?

13 A. THAT'S TRUE.

14 Q. AND HE STARTED THE BUSINESS WITH HIS BROTHER, IS
15 THAT CORRECT?

16 A. CORRECT.

17 Q. SO BACK IN THE 1950'S WHEN THE BUSINESS WAS
18 STARTED, WAS IT STARTED ON LEJEUNE BOULEVARD?

19 A. YES.

20 Q. AND HAS IT BEEN AT THE SAME LOCATION EVER SINCE
21 THEN?

22 A. YES; THAT ONE, YES.

23 Q. WAS THERE ALSO ANOTHER FACILITY FOR A.B.C. ONE
24 HOUR CLEANERS ACROSS FROM CAMP GEIGER?

25 A. YES.

1 Q. AND DO YOU KNOW WHEN THAT WAS STARTED?

2 A. (PAUSE) - I'M NOT SURE. THERE WAS ONE ON NEW
3 BRIDGE STREET AND ONE ON 17, BUT NOT AT THE SAME TIME, AND I
4 DON'T REMEMBER WHICH WAS FIRST AND WHICH WAS SECOND. BUT IT
5 WAS IN THE - I THINK THE 50'S WAS - I DON'T KNOW FOR SURE.

6 Q. DO YOU REMEMBER WHEN THE BUSINESS ACTUALLY - OR
7 WHERE THE BUSINESS ACTUALLY STARTED OFF, EITHER ACROSS FROM
8 CAMP GEIGER OR HERE ON LEJEUNE BOULEVARD?

9 A. OH, LEJEUNE BOULEVARD.

10 Q. THAT WAS THE FIRST ONE, RIGHT?

11 A. YES.

12 Q. AND THEN THE SECOND ONE CAME INTO BEING SOMETIME
13 AFTER THAT, IS THAT RIGHT?

14 A. RIGHT.

15 Q. AND YOU'RE NOT SURE ABOUT THE DATE?

16 A. (PAUSE) - NO. BUT I - LET'S SEE - I WOULD SAY
17 '57, '58, SOMETHING LIKE THAT.

18 Q. WAS THAT ALSO KNOWN AS A.B.C. ONE HOUR CLEANERS?

19 A. YES, IT WAS.

20 Q. AND WAS IT YOUR HUSBAND'S RESPONSIBILITY TO
21 OPERATE THAT FACILITY?

22 A. YES.

23 Q. AND WAS IT HIS BROTHER'S RESPONSIBILITY TO
24 OPERATE THE ONE HERE ON LEJEUNE BOULEVARD?

25 A. YES.

1 Q. AND WERE YOU INVOLVED IN THE BUSINESS AT ALL
2 BACK IN THE 1950'S?

3 A. FOR A COUPLE OF MONTHS WHEN WE FIRST OPENED, AND
4 THEN I HAD MARIA AFTER THAT.

5 Q. WHEN DID YOU BEGIN WORKING IN THE BUSINESS?

6 A. (PAUSE) - IN ABOUT '85, '86.

7 Q. DID YOU EVER WORK AT THE CAMP GEIGER LOCATION?

8 A. I REALLY CAN'T REMEMBER. IF I DID, IT MIGHT
9 HAVE BEEN FOR A MONTH OR SOMETHING LIKE THAT.

10 Q. IN THE 1980'S, DID YOUR HUSBAND EVER COME AND
11 TELL YOU THAT THERE WAS AN INQUIRY BY A STATE OR FEDERAL
12 AGENCY REGARDING DISPOSAL OF PERCHLOROETHYLENE AT THE
13 BUSINESS?

14 A. WHAT DO YOU MEAN?

15 Q. WELL, DID HE EVER HAVE A CONVERSATION WITH YOU
16 ABOUT ANY GOVERNMENT INVESTIGATION?

17 MR. KANE: I'M GOING TO OBJECT, AND MRS. MELTS,
18 I'M GOING TO INSTRUCT YOU NOT TO ANSWER. I MEAN, OBVIOUSLY,
19 CONVERSATIONS BETWEEN HUSBANDS AND WIFES ARE PRIVILEGED.

20 MR. DUFFUS: ALL RIGHT.

21 Q. DID YOU EVER - WAS THERE EVER A TIME THAT YOU
22 FOUND OUT THAT THE GOVERNMENT WAS CONDUCTING, EITHER STATE OR
23 FEDERAL GOVERNMENT CONDUCTING AN INVESTIGATION OF A.B.C. ONE
24 HOUR CLEANERS?

25 A. YES.

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Q. AND WHEN DID THAT OCCUR?

A. IT WAS IN THE 80'S; '87, '88, I DON'T KNOW.

Q. AND WHAT DID YOU LEARN ABOUT THAT INVESTIGATION?

A. WELL, SOMETHING ABOUT POLLUTING THE WELLS IN TARAWA TERRACE IS ALL I KNOW.

Q. AND AFTER YOU BECAME AWARE OF THAT INVESTIGATION, DID YOU LEARN ANY MORE ABOUT ACTUALLY WHAT HAD TAKEN PLACE AND WHAT THE CONTENTIONS WERE?

A. YOU MEAN, DID I LEARN FROM WHO?

Q. WELL, AFTER YOU INITIALLY FOUND OUT THAT THERE WAS AN ISSUE OF A.B.C. ONE HOUR CLEANERS CONTAMINATING WELLS AT TARAWA TERRACE, DID YOU LEARN MORE ABOUT THE ISSUE?

A. WELL, YES. I HEARD THE BROTHERS TALKING ABOUT IT.

Q. AND YOU INDICATED TO ME THAT YOU STARTED WORKING AT THE BUSINESS HERE, OR FACILITY HERE, ON LEJEUNE BOULEVARD PROBABLY IN 1986, IS THAT RIGHT?

A. I THINK THAT'S ABOUT IT.

Q. AND WHEN YOU BEGAN WORKING THERE, DID YOU LEARN ANYTHING ABOUT THE CHEMICAL PERCHLOROETHYLENE, OR PERC, USED IN THE BUSINESS TO CLEAN CLOTHES WITH?

A. NO, I DON'T KNOW ANYTHING ABOUT ALL THAT.

Q. YOU DON'T KNOW ANYTHING ABOUT THAT AT ALL?

A. NO, I REALLY DON'T.

Q. DURING THE TIME THAT YOUR HUSBAND HAS OPERATED

1 THAT BUSINESS, OR OPERATED THE BUSINESS WITH HIS BROTHER, DID
2 YOU EVER HAVE ANY RESPONSIBILITY FOR MAINTAINING ANY OF THE
3 RECORDS FOR THE BUSINESS?

4 A. NO.

5 Q. DO YOU KNOW WHETHER OR NOT YOUR HUSBAND HAS
6 RECORDS FOR THE BUSINESS AT HIS HOUSE?

7 A. FROM WHEN?

8 Q. I DON'T KNOW. DO YOU KNOW - ARE YOU FAMILIAR
9 WITH ANY RECORDS THAT HE'S MAINTAINED AT YOUR HOUSE FOR THE
10 BUSINESS?

11 A. JUST IN THE LAST FOUR YEARS, BECAUSE HE'S BEEN
12 SO SICK.

13 Q. IT'S MY UNDERSTANDING THAT HE CAN NO LONGER WORK
14 IN THE BUSINESS; UP UNTIL ABOUT FIVE YEARS AGO, IS THAT
15 RIGHT?

16 A. RIGHT.

17 Q. WHAT HAPPENED?

18 A. HE'S BEEN ON FULL-TIME OXYGEN.

19 Q. WHAT KIND OF . . .

20 A. HE'S BEEN IN AND OUT OF INTENSIVE FOR THE LAST
21 FOUR YEARS, UP UNTIL THE LAST EIGHT MONTHS.

22 Q. SO IN THE PAST FIVE YEARS, ESSENTIALLY, OR
23 GENERALLY, WHAT KIND OF HEALTH PROBLEMS HAS HE HAD?

24 A. HE HAS A VERY BAD CASE OF EMPHYSEMA, AND HE'S
25 BEEN ON LIFE SUPPORT . . .

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Q. DID HE SMOKE?

A. YES, HE SMOKED, UP UNTIL TEN . . .

Q. HOW LONG DID HE SMOKE?

A. WELL, I DON'T KNOW. I DON'T KNOW WHEN HE STARTED, BUT I KNOW HE SMOKED A LONG TIME. BUT HE HASN'T SMOKED IN THE LAST TEN YEARS.

Q. WHEN DID HIS BROTHER DIE?

A. HIS BROTHER DIED LAST DECEMBER.

Q. AND DO YOU KNOW WHAT HEALTH PROBLEMS HIS BROTHER DIED FROM?

A. HE HAD HEART TROUBLE.

Q. WHO IS MANAGING THE BUSINESS FOR YOUR HUSBAND AT THE PRESENT TIME?

A. (INDICATING HERSELF.)

Q. OH, YOU'RE DOING THAT?

A. I'M TRYING TO.

Q. HOW ARE YOU INVOLVED IN THE MANAGEMENT OF THE BUSINESS?

A. I JUST OPEN IT UP IN THE MORNING AND STAY THERE UNTIL ALL THE CLOTHES ARE CLEANED AND PRESSED AND BAGGED AND THEN I GO HOME AND TAKE CARE OF HIM.

Q. ARE YOU AWARE OF ANY RECORDS ON THE PREMISES OF THE CLEANERS AT THE PRESENT TIME THAT RELATE TO THE OPERATION OF THE CLEANERS, OR ANY PURCHASES THE CLEANERS HAS MADE OVER THE PAST FIVE OR TEN YEARS, THAT ARE LOCATED AT THE CLEANERS?

1 A. THERE'S VERY LITTLE AT THE CLEANERS.

2 Q. ARE YOU FAMILIAR WITH ANY DRY-CLEANING EQUIPMENT
3 THAT HAS BEEN USED IN THE BUSINESS THAT STILL EXISTS ON THE
4 PREMISES OF THE CLEANERS . . .

5 A. NO.

6 Q. . . . THAT'S NO LONGER IN OPERATION?

7 A. THAT'S NO LONGER IN OPERATION?

8 Q. YES, MA'AM?

9 A. I THINK THERE'S AN OLD BOILER BACK THERE THAT WE
10 DON'T USE ANYMORE.

11 Q. I THINK YOUR HUSBAND . . .

12 A. I'M NOT SURE.

13 Q. I THINK YOUR HUSBAND TESTIFIED IN HIS DEPOSITION
14 THAT THERE WAS A DRY-CLEANING MACHINE THAT . . .

15 A. OH, THAT'S RIGHT; YES. WE DON'T USE THAT
16 ANYMORE.

17 Q. IS THAT STILL THERE?

18 A. I THINK IT STILL IS.

19 Q. IT'S STILL ON THE PREMISES?

20 A. I THINK SO.

21 Q. DO YOU KNOW WHERE IT WOULD BE LOCATED ON THE
22 PREMISES?

23 A. I'M ALMOST SURE I THINK I KNOW WHICH ONE IT IS.

24 Q. WHICH ONE DO YOU THINK IT IS?

25 A. IT'S THE ONE - LET ME THINK NOW. IT'S THE ONE

1 WE DON'T USE, AND IT'S A BIG MACHINE SITTING THERE.

2 Q. THAT'S GOOD ENOUGH FOR ME.

3 HAVE YOU GIVEN ANY TESTIMONY AT ANY HEARING
4 CONDUCTED BY ANY STATE OR FEDERAL AGENCY?

5 A. NO, I HAVEN'T.

6 Q. DO YOU KNOW WHETHER OR NOT YOUR HUSBAND HAS
7 GIVEN ANY TESTIMONY AT ANY STATE OR FEDERAL ADMINISTRATIVE
8 HEARING?

9 A. FOR WHAT?

10 Q. FOR THE CONTAMINATION ISSUE . . .

11 A. YOU MEAN . . .

12 Q. . . . AT TARAWA TERRACE?

13 A. I'M NOT SURE WHAT YOU MEAN.

14 Q. ALL RIGHT. HAVE EITHER YOU OR YOUR HUSBAND
15 APPEARED AT ANY HEARINGS REGARDING CONTAMINATION THAT THE
16 GOVERNMENT CONTENDS WAS CAUSED BY A.B.C. ONE HOUR CLEANERS?

17 A. I WENT TO THE HEARING AT THE LIBRARY, BUT IT WAS
18 PUBLIC.

19 MR. DUFFUS: ALL RIGHT. I THINK THAT'S ALL I'VE
20 GOT. MISTER HOPF MAY HAVE SOME QUESTIONS FOR YOU.

21 ON EXAMINATION CONDUCTED BY JAMES F. HOPF,
22 ESQUIRE:

23 Q. MRS. MELTS, HOW LONG HAVE YOU BEEN MANAGING THE
24 STORE NOW; YOU MAY HAVE SAID IT AND I JUST MISSED IT?

25 A. FOR THE LAST FOUR YEARS, MY HUSBAND HAS BEEN IN

1 AND OUT OF INTENSIVE CARE.

2 Q. SO JUST SINCE HE'S HAD THE MOST RECENT HEALTH
3 PROBLEMS . . .

4 A. RIGHT.

5 Q. . . . YOU'VE STEPPED IN AND TAKEN CARE OF THAT?

6 A. YES. AND WE ONLY OPERATE FOR ABOUT THREE OR
7 FOUR HOURS A DAY, AS FAR AS CLEANING AND ALL GOES.

8 Q. PRIOR TO THAT FOUR YEARS, I TAKE IT THEN, HE WAS
9 INVOLVED IN THE DAY-TO-DAY IN ALL THE MANAGERIAL AND
10 OPERATIONS OF THE BUSINESS?

11 A. YES; WHEN HE WASN'T IN AND OUT OF THE HOSPITAL,
12 YES. SEE, HE'S BEEN SICK SINCE '85, '86, IN AND OUT OF THE
13 HOSPITAL.

14 Q. DO YOU ORDER ANY OF THE SUPPLIES OR CHEMICALS
15 FOR THE BUSINESS NOW?

16 A. RIGHT NOW?

17 Q. YES, MA'AM; FOR THE PAST FOUR YEARS?

18 A. YES, ALL THE SUPPLIES.

19 Q. ARE YOU RESPONSIBLE FOR ORDERING THE
20 PERCHLOROETHYLENE THAT'S USED IN THE DRY-CLEANING PROCESS?

21 A. WELL, THEY'LL CALL ME SOMETIMES AND ASK ME IF I
22 NEED SOME, AND I'LL SAY, "CHECK IT AND SEE."

23 Q. WHO CALLS YOU?

24 A. THE CHEMICAL PEOPLE.

25 Q. DO YOU KNOW WHO THAT IS?

1 A. I THINK THERE'S TWO PLACES, FULLER, AND I'M NOT
2 SURE WHAT THE OTHER NAME IS.

3 Q. IS THERE A PARTICULAR INDIVIDUAL AT EITHER OF
4 THESE COMPANIES THAT YOU TALK TO NORMALLY?

5 A. THE SALESMEN.

6 Q. DO YOU KNOW A NAME; DO YOU KNOW WHO THAT IS?

7 A. NO. I SHOULD KNOW THEM; I'VE SEEN THEM LONG
8 ENOUGH, BUT I CAN'T REMEMBER THEIR NAMES.

9 Q. YOU MENTIONED FULLER; IS THAT FULLER SUPPLY
10 COMPANY IN CONCORD?

11 A. YES.

12 Q. IS THE OTHER ONE W.P. BALLARD?

13 A. YES.

14 Q. ARE THEY LOCATED IN RALEIGH?

15 A. I THINK THEY'RE OUT OF RALEIGH.

16 Q. PRIOR TO THIS FOUR YEAR PERIOD, HAVE YOU HAD ANY
17 INVOLVEMENT IN THE A.B.C. CLEANERS DAY-TO-DAY OR IN
18 OPERATIONS?

19 A. NO.

20 Q. I UNDERSTAND YOU HAVE NO KNOWLEDGE WITH REGARD
21 TO CHEMICALS OR CLEANING SOLUTIONS THAT HAVE BEEN USED OVER
22 THE YEARS AT THAT LOCATION?

23 A. NO.

24 Q. DO YOU HAVE ANY KNOWLEDGE WITH REGARD TO WASTE
25 DISPOSAL ISSUES OR WASTE BY-PRODUCTS THAT HAVE BEEN PRODUCED

1 FROM THE CLEANING PROCESS?

2 A. THE ONLY THING I KNOW IS THAT WE HAVE SAFETY
3 CLEAN THAT COMES IN AND PICKS UP THE BARRELS THAT ARE FULL OF
4 THE LEFTOVER RESIDUE OR WHATEVER IT IS. AND WE STARTED THAT
5 BEFORE IT WAS MANDATORY. AND IT WASN'T MANDATORY, I THINK,
6 UNTIL IN THE 80'S SOMETIME.

7 BEFORE THAT, THERE WAS NO LAW AGAINST ANY OF
8 THAT.

9 Q. DO YOU KNOW HOW THE RESIDUE THAT'S IN THOSE
10 BARRELS THAT'S PICKED UP BY SAFETY CLEAN IS PRODUCED IN THE
11 CLEANING PROCESS?

12 A. NO.

13 Q. DO YOU KNOW WHAT WAS DONE WITH THAT MATERIAL
14 BEFORE SAFETY CLEAN STARTED PICKING IT UP?

15 A. YOU MEAN BACK IN THE OLD DAYS?

16 Q. YES.

17 A. YOU DID WHATEVER YOU WANTED TO WITH IT; EVERY
18 CLEANERS IN THE WORLD DID.

19 Q. DO YOU KNOW WHAT YOUR BUSINESS DID WITH IT
20 DURING THAT TIME?

21 A. ACTUALLY, NO, BUT I'VE HEARD MY HUSBAND SAY HE
22 DID PUT SOME IN POTHoles AND SOME IN THE GARBAGE, WHEREVER.

23 Q. ARE YOU FAMILIAR WITH A SEPTIC SYSTEM LOCATED AT
24 THE STORE?

25 A. I KNOW WHERE IT IS NOW; I WASN'T AWARE OF IT

1 BACK IN THE OLD DAYS.

2 Q. DO YOU HAVE ANY INFORMATION ABOUT WHAT SORTS OF
3 WASTE STREAMS, OR MATERIALS FROM THE CLEANING PROCESSES MADE
4 GOING INTO THAT SEPTIC SYSTEM OVER THE YEARS?

5 A. THE ONLY THING I KNOW IS WHAT D.P.S. TOLD US.
6 THEY'VE SEALED IT OFF NOW.

7 MR. HOPF: I DON'T THINK I HAVE ANY MORE
8 QUESTIONS.

9 MR. KANE: NOR DO I.

10 MR. DUFFUS: (HAD NO FURTHER QUESTIONS.)

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12 END OF DEPOSITION

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D-E-P-O-S-I-T-I-O-N
OF
ETHEL MELTS

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I, ETHEL MELTS, HEREBY CERTIFY THAT I WAS FIRST DULY
SWORN PRIOR TO THE COMMENCEMENT OF MY DEPOSITION, WHICH WAS
GIVEN BEFORE DEBORAH BISHOP, ON APRIL 12, 2001, IN
JACKSONVILLE, NORTH CAROLINA; REVIEW, EXAMINATION AND SIGNING
OF THE DEPOSITION WAS NOT WAIVED. THE FOREGOING CONSTITUTES
A TRUE AND ACCURATE TRANSCRIPT OF SAID DEPOSITION;

(A) AND NO CHANGES ARE NECESSARY.

(B) HOWEVER, I DESIRE THAT CHANGES ATTACHED HERETO,
DESCRIBED ON THE "ERRATA SHEET TO DEPOSITION OF ETHEL MELTS,"
BE INCORPORATED INTO SAID DEPOSITION.

WITNESS, MY HAND AND SEAL, ON THIS, THE _____ DAY OF
_____, 2001.

(SEAL)

ETHEL MELTS

