

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 _____)

17 BENCH TRIAL
18 BEFORE THE HONORABLE KENNETH M. HOYT
19 MARCH 25, 2019
20 VOLUME 1

21 APPEARANCES:

22 **FOR ALL PLAINTIFFS:**

23 MR. DAVID TARRANT BRIGHT
24 Sico Hoelscher & Harris LLP
25 802 N. Carancahua, Suite 900
Corpus Christi, Texas 78401
(361)653-3300

MR. DAVID O. FREDERICK
Frederick, Perales, Allmon & Rockwell, PC
1206 San Antonio Street
Austin, Texas 78701
(512)469-6000

FOR PLAINTIFF DIANE WILSON:

MS. AMY RUTH JOHNSON
Law Offices of Amy R. Johnson
5836 SE Madison Street
Portland, Oregon 97215
(503)939-2996

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Mr. Frederick Direct of Myron Spree

1 right there in that flow rate [sic]. I thought to myself, My
2 goodness alive, you know.

3 Anyway, I did not see them pick up anything out of the
4 water, but they did land in the flow of the outfall, and so
5 that's about all I can say about the pelicans. I'm sure they
6 got it on the -- powdered stuff --

7 **Q** Okay.

8 **A** -- on their feathers or whatever, but --

9 **Q** Have you been out to the area of the 001 outfall recently,
10 like in the past month or six weeks?

11 **A** Yes. I was out there last Friday with -- with Michael Mang,
12 and there was plastic powder on the water. Quite a bit of it.

13 **Q** By 001?

14 **A** Zero zero one, correct.

15 **Q** Okay. Thank you.

16 Now, let me ask you: You're not being paid to do this
17 work; is that right?

18 **A** No, no, no.

19 **Q** Well, why do you do it? What -- what are you getting out of
20 it?

21 **A** Well, the bay -- the bay is deteriorating. The ecosystem in
22 the back water -- back bay is just deteriorating dramatically.
23 I'm not saying it's all because of Formosa, now. There's other
24 environmental problems involved in there, but it has -- I'm sure
25 it has some effect.

Mr. Frederick Direct of Myron Spree

1 And -- repeat that question again, please.

2 Q Well, I would just like for you to have -- if you have
3 anything that you can easily tell us about why it is you bother
4 to do this work --

5 A Okay.

6 Q -- collect the samples and call the regulators and all that
7 kind of stuff.

8 A Well, before Harvey, the summer last -- the summer of '17 --
9 I been taking my grandchildren out fishing quite often through
10 the years, and I have one 11-year-old granddaughter that's
11 pretty sharp. She says, "Grandpa, why we" -- "why we keep
12 catching less fish back here?" We was trout fishing. I used to
13 trout fish with them because it's more action involved. That
14 day it was -- it was slow.

15 So I said, "Well, it might be something to do with the
16 discharge of Formosa through the years. We have less shrimp
17 back here. So we have less" -- "less fish." And so I just let
18 that slide. And then after Harvey -- and then also, you know,
19 another thing I got to thinking about: I go to church, and
20 we're supposed to be stewards of the earth, you know.

21 And I thought to myself, Well, you know, maybe I ought to
22 take up that responsibility and -- and -- and let people know
23 that there's problems with our environment here in this back bay
24 that's going to continue until -- until somebody does something
25 about it, corrects the situation somehow or another.