

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF THURSTON

MICHAEL W. GENDLER and NAN)
JOHNSON, husband and wife,)
)
Plaintiffs,) No. 09-2-00428-2
)
v.)
)
THE STATE OF WASHINGTON,)
)
Defendant.)

DEPOSITION UPON ORAL EXAMINATION OF
MICHAEL HANSON

Wednesday, June 16, 2010

8:57 a.m.

Stritmatter Kessler Whelan Coluccio

200 Second Avenue West

Seattle, Washington

1 A Okay.

2 Q It's in June. We know it's in June.

3 A Okay.

4 Q The 13th, sometime between the 13th and the 28th. But beyond
5 that, you did not become aware of --

6 A No.

7 Q -- other incidents?

8 A No. But you'd think somebody would have. I mean, police
9 reports or I don't know, you know.

10 Q Yeah.

11 A Couldn't have been in a vacuum.

12 Q Right, for sure. And I -- I'm just asking if you heard about
13 it. That's all.

14 A No, I have not --

15 Q Okay. Did you at some point find out about the October 28,
16 2007 incident in which Mr. Gendler's front wheel became
17 entrapped, and he was thrown to the bridge roadway?

18 A Two months --

19 MR. WINSKILL: That's this lawsuit.

20 THE WITNESS: Two months ago.

21 Q (By Mr. Kessler) Okay. Didn't hear about it before that
22 time?

23 A No, no.

24 Q What's your understanding about how that -- how that
25 occurred?

1 A (Indicating.)

2 Q When you say -- when you're pointing --

3 A I believe that what I was told was his front wheel fell into
4 the gap. I suspected it -- it -- you know, it -- it acted as
5 a stop, and that was all I knew about it.

6 Q Okay. As you sit here today, do you have any recollection at
7 all of -- of following up on the -- what you suspected was a
8 misalignment problem back in June of 1999?

9 A No, I do not.

10 Q Have you become aware of anyone else following up on that to
11 address misalignment?

12 A I never actually heard it as a issue until recently.

13 Q Let me take a moment out. Oh, let me check on one thing
14 before I take a moment out. I don't think we need to make
15 this an exhibit, but I just wanted to ask about it. Here,
16 Request For Admission No. 4, I had sent to the State, and I
17 said, "At the conclusion of the retrofit project, a WSDOT
18 employee charged with the responsibility of inspecting the
19 bridge deck for compliance with the contract plans and
20 specifications inspected the longitudinal seam between grate
21 sections on the southbound (west) side of the bridge." What
22 I'm asking is the State to admit that or deny it. And the
23 State denied it, and they said, "Whether or not this
24 specifically occurred is unknown at this time."

25 Are you able to tell us that in fact you or someone on

1 your behalf conducted a final inspection following the
2 completion of the retro project, a final inspection of the
3 bridge deck for compliance with the contract plans?

4 A I can't say.

5 Q In the ordinary course of business, you or someone on your
6 behalf would have, correct?

7 A It would have been an ongoing inspection. Final inspection
8 would have probably been limited to any punch list items, any
9 known defects that needed to be corrected prior to
10 authorizing substantial completion of the project.

11 Inspections would have been pretty much ongoing. I don't
12 remember -- I don't recall any final overall inspection, no.

13 Q What ordinarily happens? I mean, when the project is
14 completed, doesn't the contractor come to you and say, we're
15 done. Will you sign off.

16 A Yeah, that would be the punch list items, yeah.

17 Q Did it come to you as chief inspector, or do they come to the
18 project engineer?

19 A No, no, it comes to the project engineer.

20 Q Okay. Request For Admission No. 5, did I give you this?

21 MR. WINSKILL: Not yet.

22 Q (By Mr. Kessler) Says -- I'm asking the State to admit, "As
23 of July 31, 2000, the chief inspector on the retrofit project
24 was informed by a WSDOT employee of a 1" wide longitudinal
25 gap between grates on the bridge deck that caused a cyclist

1 to lose control and crash when the front wheel of his bicycle
2 dropped into this gap on the south end of the bridge." And
3 the State at that time denied it, saying "It is admitted that
4 there was some report during the project of a bicycle fall or
5 crash on the deck. The specifics of this request for
6 admission are denied at this time pending the development of
7 further investigation and information."

8 Would you agree that your diary acknowledges, then, that
9 there was this incident that occurred in June of --

10 A I received -- I received an e-mail that -- of the incident,
11 correct.

12 Q All right. And I guess what we'd need to do is talk with
13 Mr. Madden about his knowledge of it, since he was contacting
14 you.

15 A Okay.

16 Q Was it your understanding that he was asking you to look into
17 it as chief inspector?

18 A No. I don't recall. It would have been an e-mail.

19 Q Okay. But, I mean, when I say, "asking," it could be by
20 e-mail.

21 A Uh-huh.

22 Q When he contacts you, is he saying, okay, Mike, you're the
23 chief inspector; would you look into what happened and make
24 sure this thing is not out of alignment?

25 A Yeah.