

In the Matter of:
Teofilo R. and Virginia E. Carmona vs
State of Rhode Island

Virginia E. Carmona

December 12, 2024

Teofilo R. and Virginia E. Carmona vs
Teofilo R. and Virginia E. Carmona vs
State of Rhode Island
State of Rhode Island

1 THE STATE OF RHODE ISLAND SUPERIOR
COURT 2 PROVIDENCE, SC. C.A. NO.:
PC-2021-06462

3
4 *****
5 TEOFILO R. CARMONA and *
6 VIRGINIA E. CARMONA, *
7 PLAINTIFFS *
8 v. *
9 STATE OF RHODE ISLAND, Acting *
10 by and Through the Department *
11 of Transportation, *
12 DEFENDANT *
13 *****

14
15 DEPOSITION OF: VIRGINIA E. CARMONA
16 FREEMAN, MATHIS & GARY, LLP
17 10 Dorrance Street, Suite 700
18 Providence, Rhode Island

19
20 December 12, 2024 11:58 a.m.

21
22
23
24 Reported by: Pauline L. Bailey, PCR

1 APPEARANCES:
2 Representing the Defendant:
3 FREEMAN MATHIS & GARY, LLP
4 10 Dorrance Street, Suite 700
5 Providence, RI 02903
6 BY: MARC E. FINKEL, ESQ.
7 (617) 807-8958 FAX: (833) 226-4728
8 marc.finkel@fmglaw.com
9
10 OLIVERIO & MARCACCIO, LLP
11 30 Romano Vineyard Way, Suite 109
12 North Kingstown, RI 02852
13 BY: RAYMOND MARCACCIO, ESQ.
14 (401) 861-2900

15 ram@om-rilaw.com
16
17 Representing the Plaintiffs:
18 DARROWEVERETT LLP
19 One Turks Head Place, Suite 1200
20 Providence, RI 02903
21 BY: KATIE HOWAYECK, ESQ.
22 (401) 453-1200
23 khowayeck@darroweverett.com
24

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1 INGE GOMEZ-MICHEL,
INTERPRETER, 2 sworn.
3
4 VIRGINIA E. CARMONA, WITNESS,
after 5 having first been properly identified and duly

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6 sworn, deposes and states as follows:

7

8 DIRECT EXAMINATION BY MR.

FINKEL: 9

10 Q. So, good afternoon, Mrs. Carmona. 11
We met a little earlier today. My name is Marc 12
Finkel. I represent the State of Rhode Island in a 13
matter that you and your husband brought against
14 them. You're here today for your deposition. We
15 do have an interpreter here to help you with 16

translations. I think you do speak English and 17
understand English, however, my understanding is
18 for purposes of a proceeding like this, you may be
19 more comfortable having the interpreter help you;
20 is that correct?
21 A. Yes.
22 Q. All right. So, it's going to be
23 very important, because we're using the
assistance 24 of the Spanish interpreter, that your
answers

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6 Q. All right. So, what I'm going
to do 7 is I'm going to go through a few
ground rules to 8 try to help make this go
as smoothly as possible. 9 So, the
first ground rule we already

1 A. No.
2 Q. Okay. Mrs. Carmona,
can you please 3 state your full
name for the record?
4 A. Virginia E. Carmona.
5 Q. And can you please
spell your last 6 name for the
record?
7 A. C-A-R-M-O-N-A.
8 Q. All right. And Mrs.
Carmona, where 9 do you live?

1 actually be in Spanish.

2 A. In Spanish. Okay.

3 Q. All right. So, have you ever
had 4 your deposition taken before?

5 A. No.

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10 talked about. It's going to be very important
that 11 your answers be in Spanish.

12 The second is that for purposes of 13 today,
where we have a court reporter present who's 14 taking
down everything that we say, that all of 15 your answers
be verbal in nature. So, things like 16 a shake of the head
or a nod of the head, or an 17 answer such as mm-hm
mm-mm are not answers for the 18 court reporter. She
can't take that down. So, I 19 just ask that your answers,
if it calls, for

20 example, a yes or a no, that you, in fact,
in 21 Spanish, answer yes or no.

22 It's also going to be important that 23
you allow me to ask my question before you begin
24 your answer, even if you know what I'm asking.

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1 It's for the purpose of the court reporter because
2 you can't take down crosstalk. I'm going to give
3 you the same courtesy hopefully, of not starting my
4 next question until you've had an opportunity to
5 finish your answer. Sometimes it's easier said 6
than done when we're having a conversation, but we
7 should try to do the best we can for the sake of 8
the court reporter.

9 A. Very well.

10 Q. And if, at any point in time, you 11
don't understand the question that I'm asking you,
12 please ask me to rephrase it. I don't want you to
13 guess what I'm asking. This isn't a quiz or a test
14 of knowledge or anything of that nature. I want

to 15 make sure that you understand what's being
asked. 16 And if, at any point in time, you
17 need a break, to take a break to use the restroom
18 or speak with your lawyer, just let me know and
19 we'll accommodate you.

20 And I ask this question of everybody
21 that I'm deposing, so please don't take offense.
22 Are you today taking any medication or have
you 23 consumed any alcohol that affects your
ability to 24 understand the questions I'm asking
you today?

10 A. I live on 13 Pilsudski Street, 11
Providence, Rhode Island, area code 02909. 12

Q. All right. And how long have you
13 lived at that address for?

14 A. 25 years.

15 Q. All right.

16 MR. FINKEL: All right. So, I'm
17 going to mark our first exhibit. I did 18
print copies for everyone, so you -- 19

MS. HOWAYECK: Thank you. 20

MR. MARCACCIO: You're welcome. 21

MR. FINKEL: So, if you can hand that 22
to the court reporter --

23 MR. MARCACCIO: Sure. 24

MR. FINKEL: -- so she can mark it,

Page 8

1 and then she'll give it back to you.

2

3 (Exhibit 1, Re-Notice of Deposition,
marked) 4

5 Q. (By Mr. Finkel) So, I'm showing you 6
what's been marked as Exhibit 1. It's a re-notice 7
of deposition. And you just had an opportunity to 8
review it. So, I don't actually have any questions 9
pertaining to this document itself. But I do want 10
to ask you, without you telling me anything you and
11 your lawyer spoke about, can you tell me what you
12 did in order to prepare for today's deposition? 13

A. Yes.

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1 A. Only with my daughter.

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2 Q. Okay. What's your daughter's
name? 3 A. Elizabeth Carmona.

4 Q. All right. And where does she
live? 5 A. In North Providence. 63
Morgan 6 Street.

7 Q. All right. And what did you
speak 8 with your daughter about concerning
today's 9 deposition?

10 THE INTERPRETER: When or
what? 11 MR. FINKEL: What did you.

12 THE INTERPRETER: What?

13 MR. FINKEL: Yeah.

14 A. That -- that I was on my way here and
15 that -- that she should pray because -- so the 16
truth comes out, because whatever happened, that's
17 the truth. And that's what we're going to talk 18
about.

19 Q. Okay. In terms of any sort of 20
documents that you may have reviewed prior to 21
today's deposition, did you, in fact, review any 22
documents in order to help prepare you for today's
23 testimony?

24 A. Yes.

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1 Q. All right. And to the best of your 2
ability, can you let me know what documents you
3 reviewed?

4 A. My husband has everything. If I can
5 go and ask him, because my husband has the
whole 6 file of this case.

7 Q. Okay. So, I'm just going to ask you 8
off of your memory if you can recall any of the 9
documents that you may have seen without going out
10 to speak with your husband.

11 A. Yes, yes, like how the house, the 12
state of the house at the beginning, and the state

14 Q. Okay. So, what did you do in order 15 to
prepare for today's deposition, without 16 discussing
what you and your lawyer may have talked 17 about?

18 A. I was going over the first -- the
19 first -- I was going over the first time when we
20 went to talk to our attorney during the dates
and 21 everything that has happened in these 25
years.

22 Q. Okay. In terms of speaking with 23
anyone outside of your attorneys, did you speak
24 with anyone about today's deposition?

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1 after the project had started?

13 of the house right now.

14 Q. So, in terms of those documents, what
15 documents did you look at for purposes of seeing
16 what the state of the house was before the
project? 17 A. Yes, as I told you, I have

18 everything, my husband has it there.

19 Q. Okay.

20 A. Pictures, mostly pictures.

21 Q. Pictures?

22 A. Photographs.

23 Q. And are these photographs of the
24 house prior to the beginning of the project

or

2 A. All of them are after --

3 Q. All right.

4 A. -- the project started.

5 Q. So, there are a series of photographs 6
that we're going to look at in a little bit. So, 7 other
than photographs that you may have reviewed 8
prior to today's deposition, were there any other 9
documents that you can recall reviewing prior to 10
today for purposes of this deposition?

11 A. Honestly, no, because I have
prepared 12 a few days before I came here.

13 Q. Okay. So, Mrs. Carmona, what's
your 14 date of birth?

15 A. November 27, 1949.

16 Q. And how old are you?

17 A. 75.

18 Q. All right. Now, you provided your
19 address earlier. Are you able to describe the
20 property for me, is it a single-family house; is
it 21 a multi-family house, what kind of house is
it? 22 A. It's a two-family house.

23 Q. All right. And do you own the
house 24 or do you rent the house?

1 A. We own the house.
 2 Q. All right. And so, you live in
 one 3 of the -- is it a floor that you live on?
 4 A. Yes.
 5 Q. All right. And how many floors
 are 6 in the house?
 7 A. Two.
 8 Q. All right. Do you live on the
 bottom 9 floor or the upper floor?
 10 A. The second floor.
 11 Q. Second floor. All right. Who

lives 12 on the first floor?

13 A. A tenant.
 14 Q. All right. And what's the name
 of 15 the tenant?
 16 A. De Jesus Ismael.
 17 Q. How long has Mr. Ismael lived on
 the 18 first floor of your property?
 19 A. Two and-a-half years.
 20 Q. All right. And prior to Mr. Ismael
 21 moving into the first floor of your property,
 who 22 lived there before that?
 23 A. My son.
 24 Q. All right. And what's your son's

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1 name?

2 A. Christian Carmona.

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1 the house prior to buying it?

2 A. I was living in Union Avenue
 -- Union

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3 Q. All right. And where does your
 son 4 now live?
 5 A. Right now he's living in Orlando. 6
 Q. All right. Not to be silly, because 7 I
 think I know where that is, but I assume that's 8
 Orlando, Florida?
 9 A. It's Orlando, Florida, yes.
 10 Q. All right. And prior to moving -- 11
 did he move out of your -- the first floor of your
 12 property about two and-a-half years ago? 13
 A. He moved to Elmwood Avenue. 14
 Q. All right. And that's in Providence? 15
 A. In Providence. So, it's only 15 days 16 that he
 has been -- has moved to Florida, Orlando. 17
 Q. Why did your son Christian move out 18 of
 the first floor of your property?
 19 A. Because the kids were growing up,
 and 20 they needed a little bit more room.
 21 Q. Mr. Ismael, who lives at the
 property 22 now, does he pay rent?
 23 A. Yes.
 24 Q. All right. And is that rent set Page

14

1 forth in some sort of a lease, or is it just like a
 2 written document, or is it a verbal
 agreement? 3 A. Verbal.
 4 Q. Verbal. All right. Are you related
 5 at all to Mr. Ismael or is he just a friend or
 just 6 a tenant?
 7 A. Just a tenant.
 8 Q. Okay. So, I believe, and correct

me 9 if I'm wrong, but you've -- you've lived
 at the 10 property for approximately 25 years;
 is that 11 correct?

12 A. Yes, it's been 25 years that I
 have 13 lived in this property.
 14 Q. All right. And when you first moved
 15 into this property, did you purchase the
 property, 16 or had you lived there for a period of
 time and 17 then purchased it?
 18 A. So, we bought it. We were renting
 19 it, and then this opportunity came along so
 we 20 bought the house.

21 Q. All right. So, how long ago did
 you 22 buy the house?

23 A. 25 years.

24 Q. Okay. And how long did you live at
 3 Avenue when I bought the house.

4 Q. I understand. So, since you've been
 5 living at the current property you've only
 ever 6 owned it, correct?

7 A. Yes.

8 Q. All right. So, you've lived at the 9
 address for 25 years, and you've owned the address
 10 for 25 years?

11 A. Correct.

12 Q. All right. How long have you
 lived 13 in Rhode Island for?

14 A. 27 years.

15 Q. Okay. So, the prior address before 16
 you moved to your current property, did you live
 17 there for two years?

18 A. Yes, 176 Union Avenue.

19 Q. And that was for two years?

20 A. For two years.

21 Q. All right. Now, when you purchased 22
your current address that you've been living at for
23 25 years, who were your neighbors to sort of the
24 left side of the house and the right side of the

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1 house, your next door neighbors?

2 A. We only have one neighbor.

3 Q. All right. And who is
that? 4 A. It's Miriam Bonilla.

5 Q. All right. How long has Ms.
Bonilla 6 been your neighbor for?

7 A. A little bit after we moved there. 8

Q. Okay. So, has she been living in her
9 -- at her residence for over 20 years? 10

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1 house, what is across the street from your house 2
directly, and what is behind your house directly? 3

A. Right now, the -- behind the house is 4 the street
that was built. And across the street, 5 how can I explain
it -- explain it to to you? 6 There is a parcel. There is
nothing in there. 7 It's just a parcel, but it doesn't belong
to us. 8 It's just there.

9 Q. Okay. Do you know who owns that
10 parcel that's across the street from you? 11

A. The State.

12 Q. Okay. So, that would be the State of
13 Rhode Island?

14 A. Yes.

15 Q. All right.

16 A. The State of Rhode Island.

17 Q. Now, when you say that behind your 18
house is the street that was built, are you talking 19
about the street that was built as part of the 20 Route
6-10 connector project?

21 A. Exactly.

22 Q. All right. And is that street, has
23 that been fully built or is it still under 24
construction?

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1 MS. HOWAYECK: Object. Sorry. Go
2 ahead. Objection. You can answer if you 3
know.

A. Yes.

11 Q. All right. Now, other than living 12
next door to Ms. Bonilla, what -- so, if I were 13
facing your house, does Ms. Bonilla live on the 14
property to the left of your house or to the right
15 of your house?

16 A. Left side.

17 Q. All right. What is to the right
side 18 of your property?

19 A. A land -- a lot that also belongs
to 20 us.

21 Q. Okay. How long have you owned
that 22 lot for?

23 A. The same time as we bought the

house. 24 Q. Okay. Now, if I were facing
your

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4 A. This project is not finished yet, the
5 whole thing.

6 Q. (By Mr. Finkel) All right. What 7
about directly behind your house, are there still 8
construction vehicles that are coming through the 9
street, is work being done directly behind your 10
house, or is that area fully built, to your 11
knowledge?

12 A. They're still working on it in that 13 area. I
believe they're going to plant trees. 14 Q. Okay.

Other than possibly planting 15 trees, do you know what
kind of work -- and again, 16 it's to the best of your
knowledge, what kind of 17 work is still being done

behind your house? 18 A. Right now it's just this,
like to

19 make a park, they're putting some black soil.

20 Q. So, is it like landscaping that's 21
still being done?

22 A. I think so, yes.

23 Q. When, to your knowledge, is that work 24
being done, is it being done every day of the week,

1 is it being done a couple of days during the week?

2 What's the schedule, to your knowledge, of when 3
that work's being done?

4 A. Twice a week.

5 Q. All right. Is it a specific set

6 period of days that, like it's every Monday and 7
Tuesday that they're there, or is it sort of varied 8
when they come?

9 A. It varies.

10 Q. All right. And are you informed as 11 to
when they're going to come to do the work? When 12 I
mean they, I mean the people that are doing the 13 work,
when they are going to be in the area to do 14 the work, do
they tell you that?

15 A. No, the only thing that they have 16
done and they're doing is dumping the black soil, 17
and then they have a small machine to even the 18

dirt.

19 Q. All right. So, where do they dump
20 the soil?

21 A. There was a truck, and with the soil, 22
the truck dumped it in that area. And then now 23
with the machine they're going to spread it on the 24
ground.

Page 20

1 Q. How close to your property is the
2 soil being dumped?

3 A. So, first behind is the street that 4
they built, and then after the street is that land 5
where they're working.

6 Q. So, the folks that are doing the work 7
behind your house currently, have you spoken with 8
any of the workers?

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1 anybody either doing the work or from the State of 2
Rhode Island concerning the nature of the work 3 being
done?

4 A. Yes, I think they're doing this just 5 to
like to decorate, to make it pretty, because 6 there is
a street, and then across they're working 7 on that.
That's what I think they're doing, just 8 decorating.

9 Q. Okay. No, I understand that. So, I 10 guess
my question, it's -- might not be artfully 11 put. But
basically what I'm -- I want to ask is, 12 have you had any
sort of issues with the work being 13 done, this phase of
the work being done, what I'll 14 call landscaping, in
terms of needing to bring it 15 to the attention of either
the workers that are 16 doing the work or somebody
affiliated with the 17 State of Rhode Island?

18 A. The place where they're working right
19 now, no. The only thing is the dust. There is a 20
lot of dust that comes in the house.

21 Q. All right. And have you brought that
22 to the attention at all, to anyone affiliated with 23
the State of Rhode Island, that there's dust? 24

A. No, no, because it's almost ready. I

Page 22

1 would think one or two weeks and it's going to be 2
ready.

3 Q. All right. And if you know, do you

9 A. No, I only see them from my window. 10
Q. What time -- when they are in your 11
neighborhood to do the work, what time are they 12
there?

13 A. The times that I've seen them, it's 14
during the morning time because you can hear the 15
machine.

16 Q. And what time in the morning does the
17 work typically begin?

18 A. 8:30 or 9:00.

19 Q. All right. And how long are they
20 typically there doing the work?

21 A. Just in the morning.

22 Q. All right. And during the course of 23
that part of the project and the work that's 24
currently being done, have you had to speak with

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Pages 17-20

4 know where the dust is coming from?

5 A. I would think from that construction 6
they're doing, the air brings it inside the house, 7
the wind.

8 Q. Okay. Have you seen dust directly
9 coming from the construction site?

10 A. No.

11 Q. Okay. Now, you mentioned you believe 12
that the construction, at least that's going on 13 now,
what I'll call landscaping, you think may be 14 completed
within the next couple of weeks. Are you 15 aware if
there's going to be any additional work 16 done behind
your house once the landscaping is 17 done?

18 A. No, I think the work is complete. 19 Q.
All right. Now, prior to the street 20 that is now behind
your home, what was there before 21 the construction
started?

22 A. There was land. It was a lot.

23 Q. Okay. And do you know who owned the
24 lot?

1 A. The City.

2 Q. All right. And to your knowledge, 3
did the City own the lot at the time that you had 4
purchased the property?

5 A. Yes.

6 Q. And did you know that at the time
7 that you had purchased the house?

8 A. Yes, because before that, there was a 9 street
there, but they changed the direction and 10 the street was
much lower than the house. 11 Q. So, the lot of land
that was behind 12 your house at the time that you had
purchased it, 13 did you know or have any idea that at
some point 14 the State or the City would do work or
construction 15 work in that lot?

16 A. No, from the time we bought the house
17 and when we moved we didn't know.

18 Q. Okay. When did you first become 19

aware that there was going to be work done behind 20

your house?

21 A. The people that is in charge of the

22 15 --

23 THE INTERPRETER: The what?

24 THE WITNESS: 15 what? Guard.

Page 24

1 THE INTERPRETER: No, Guide. 2

A. The person who is taking care -- the 3 person
that is in charge of in case there is a 4 problem in the
house where you live, the in charge 5 person.

6 Q. (By Mr. Finkel) So, that person, do

7 you know who that

8 person worked for?

9 A. She's in charge of that area where we

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Teofilo R. and Virginia E. 6 Q. (By Mr. Finkel) All right.

Carmona vs State of Rhode Island So, I

State of Rhode Island

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1 question I asked. So, if you're able Virginia E. Carmona

to 2 read it back. Virginia E. Carmona

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7 believe I asked if you knew the name of the person

8 that you were describing. Do you know the name
of 9 that person?

10 A. The person that notified us about 11
this meeting in the school, her name was Sabina
12 Matos.

13 Q. All right. And do you -- and I don't 14
mean to ask the same question over. That's not my
15 intent. Sometimes I ask the same question twice
16 and I try not to. But Ms. Matos, do you know who
17 she was affiliated with?

18 A. She is the representative of
our 19 area.

20 Q. Is she an elected
representative? 21 A. At that time,
yes.

22 Q. So, at the time she was your
elected 23 representative for the State House?

24 A. Yes.

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1 Q. All right. Did she come to meet you
2 individually, or how did she bring this project
to 3 your attention?

4 A. I would think that the people that 5
were going to do this project asked who was the
6 person in charge, and she's always been very

10 live.

11 Q. *So, is that somebody that is 12 employed
by the State of Rhode Island or the City 13 of
Providence, or a local person?

14 A. At that time it was a government
15 employee.

16 Q. Do you know that person's name?

17 MS. HOWAYECK: Let's go off the
18 record for a second.

19 MR. FINKEL: Sure.

20

21 (Off the record)

22

23 MR. FINKEL: We can go back on the
24 record. So, I don't actually remember the

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1 Q. What was the school that
they invited 2 you to?

3 A. Messer School, Westminster
Street. 4 Q. Was that an

elementary school? 5 A. Yes,
it's an elementary school.

6 Q. All right. Did you go to
the

7 committed to this kind of thing.

8 Q. All right. Now, did she come to meet
9 you individually, like she came to your house to
10 tell you about the project, or did she send you a
11 letter in the mail, how did she inform you of
this 12 project?

13 A. Through the phone.

14 Q. Okay. So, she gave you a phone
call? 15 A. Yes.

16 Q. Did she invite you to a meeting at
17 the school to talk about the project? 18

A. It wasn't just to myself, ourselves, 19 or the
neighbors. All the people involved in the 20 area
that were going to -- where the project was 21
going to be.

22 Q. I understand. So, she called
and 23 invited you to this meeting at the
school? 24 A. Yes.

7 meeting?

8 A. Yes, we did go.

9 Q. All right. How many meetings
were 10 there at the school?

11 A. Just one.

12 Q. All right. Do you recall, when
was 13 -- this meeting was, do you recall the
year? 14 A. I don't remember exactly,

but it was 15 about three or four months before
the project 16 started.

17 Q. All right. So, that, was
that 18 sometime in 2018?
19 A. No.
20 Q. No. Was it in 2019?
21 A. Yes, you're right, 2018.
22 Q. Okay. And this particular meeting
23 that you went to at the school, who was in
charge 24 of that meeting; if you remember?

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1 A. No.
2 Q. Okay. You don't recall who was
in 3 charge?
4 A. No, honestly, I don't.
5 Q. And I understand this meeting 6
occurred a long time ago, but do you recall 7
specifically what was discussed at this meeting?

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1 Q. Okay. But do you recall what that
2 question was that you had?
3 A. Yes, it was a change that they were 4
going to do. Let me remember the name of the 5
street. Broadway. Broadway.
6 Q. Is that the name of the street that's
7 behind your house, Broadway Street?
8 A. No.
9 Q. No. Okay. What was your question
10 related to Broadway Street?
11 A. They were going to change the signage
12 completely.
13 Q. Okay. Did you ask any questions 14 about
what impact the work was or the project was 15 going to
have on your home?
16 A. No, I never thought about it. I
17 didn't imagine this.
18 Q. In terms of this meeting that you had 19 at
the school that you attended, were you provided 20 with
any names or contacts in order to get in touch 21 with if
you had any further questions? 22 A. No.
23 Q. What about Representative Matos, did
24 you call her office to bring attention to anything

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1 related to the project?

8 A. For the changes that there -- were to
9 take place, specifically mostly about the streets.
10 Q. All right. And did you have an 11
opportunity to speak at the meeting? 12 A.
No.
13 Q. Did you have an opportunity
to 14 ask questions at the meeting?
15 A. No. Yes, there was an
opportunity, 16 but I did not intervene.
17 Q. Okay. What was that
opportunity? 18 A. At the meeting.
19 Q. Okay. So, you had an opportunity to
20 ask questions, but you didn't ask any
questions? 21 A. Yes, because what I was
going to ask, 22 there was another person before that
was asking 23 questions, and this person asked that
question 24 before I did.

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2 A. We didn't do it because we never 3
thought the magnitude that was going to affect us, 4
the magnitude of the result of the -- of the 5 project,
that it was going to affect our house. 6 Q. When
did the project start?
7 A. 2019.
8 Q. All right. Do you recall what month?
9 A. I don't -- I'm not sure about that 10 (in
English.)
11 Q. Try to do your best to answer in
12 Spanish.
13 A. I apologize.
14 Q. That's okay. You're doing a great
15 job.
16 A. Honestly, I don't remember the exact 17 month
when they started this construction. 18 Q. All right. If
we sort of break it 19 down through seasons, is this
something that 20 started during the spring and summer
or during the 21 fall and winter months?
22 A. I think it was in the winter.
23 Q. Okay. Now, when you mentioned before
24 about, and I don't want to -- I don't mean to put
1 words in your mouth. But when -- when you talk
2 about not realizing the magnitude of the project 3
having on your -- your home, when did you first 4
realize that the project was having an impact on 5
your home?
6 A. More or less like two months later, 7
because we started to see cracks. Cracks in the 8
attic, cracks in the kitchen, cracks on the walls. 9 And
as a matter of fact, the floor was also getting 10 cracks.
11 Q. All right. In terms of when these 12 issues
were starting to occur to your home, did you 13 tell
anybody from either the State of Rhode Island 14 or the
City of Providence that these issues were 15 happening?
16 A. Not at that time, not at that
17 moment. But then when they brought the soil, and

18 it was a very smelly, stinky soil, terrible, that's 19
when we decided to take action.

20 **Q. All right. So, how long of a period 21 of time**
was it between when you started noticing 22 cracks
developing in your home to the time when you 23 started
smelling the soil?

24 **A.** The dirt came afterwards, like about Page 32

1 a month after the project started. And they put it
2 exactly behind our house.

3 **Q. All right. When you say they put it 4**
directly behind your house, was it on that lot -- 5 or
that plot of land that the State or City owned, 6 or was
it in your backyard, like where did they put 7 the dirt
or the soil?

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1 **A.** Exactly. Where the fence divides our 2
yard and the place where they were going to work on 3
building.

4 **Q. And the fence -- you basically 5 answered,**
but the fence divided your property, like 6 your
backyard from the State owned property, 7 correct?

8 **A.** Exactly.

9 **Q. All right. And the dirt that was 10**
piled, was that on your side of the fence or the 11
State owned side of the fence?

12 **A.** There is only one, and it's ours, but
13 that's where they piled up the dirt.

14 **Q. So, just so I understand it, was it 15 on**
your property that the dirt was piled or was it 16 on
the State property that the dirt was piled? 17 A.
So, the fence is a type of fence that 18 has holes. So, that
property where they dump the 19 dirt is the State's, but
because it has holes the 20 dirt would get inside our
property.

21 **Q. All right. No, and I understand 22**
that, and you -- you answered the question. So, 23
what I was trying to ask was whether the pile of 24
the dirt, whether that was on your side of the

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1 property where it was being piled up versus the 2
State property where the dirt was being piled up. 3
And your testimony is that it was piled up on the 4
State side, but some of the dirt would sort of -- 5
would it blow into your property?

8 **A.** There is a gate. So, from that iron 9
gate or fence, from there to be -- to the where the 10
street is belongs to the State of Rhode Island. 11 But
from that fence to our house, it's our 12 backyard.

13 **Q. So, was the soil that was in that 14 area**
that you testified earlier was smelling, that 15 you could
smell, was that placed from the fence to 16 the street or
from the fence to your home? 17 A. Iron fence.

So, this iron fence, it 18 belongs to the -- it's between the --
the land that 19 the State owns and our land that we own.

And so, 20 that dirt would come inside our -- the fence. 21

Q. So, I think I understand what you're 22
saying. But in terms of where the dirt was 23
originally placed, I assume it was in a pile, the 24 dirt?

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6 **A.** Yeah, this is our fence, but they -- 7
they placed the dirt on the other side where they 8
were going to start building.

9 **Q. So, and I think you just answered the 10**
other question that I had, was the fence that we've 11
been talking about, that's a fence that you own as 12
part of your property?

13 **A.** Yes.

14 **Q. All right. And is that fence still**
15 on your property?

16 **A.** Yes, they placed some black fabric so 17
the dirt would not go over our property, but with 18
the wind it would, that dirt would blow into our 19
property.

20 **Q. So, when the dirt or the soil was 21 piled on**
the opposite side of your fence, was it 22 piled directly up
against the fence or was there 23 room between where the
soil was piled and the fence 24 itself?

1 **A.** Yes, it was exactly placed leaning on
2 the fence.

3 **Q. Okay. In terms of this black paper 4 that**
was placed, was that something that was placed 5 over
your fence or was it placed on the ground, 6 where --
where was it placed?

7 **A.** Yes, on the fence.

8 **Q. Okay. So, was it sort of draped over**
9 the fence?

10 **A.** After we complained.

11 **Q. Okay. So, I'm going to get to that. 12**
So, that -- so, I just want to know the paper that 13
you're -- that you're describing, was it paper or 14
was it some sort of a mesh fabric?

15 **A.** It's like a fabric. It's like a
16 tablecloth.

17 **Q. Okay. And that particular fabric, 18 was**
that something that was draped over the fence, 19
meaning that it was put on one side of the fence 20 over
to your side of the fence, or was it something 21 that was
maybe installed on the fence? Can you 22 tell me how it
was -- how it was installed? 23 A. Just on the top

area of the fence 24 with some kind of holder, and that was all.

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1 Q. So, just so I'm not confused, in 2 terms of --
because you described two separate 3 issues. One was a
situation where you observed 4 cracks starting to form
inside your house. And 5 then you also described where
the soil that was 6 placed on the State-owned side of the
property 7 began to smell. Did you begin to smell the
soil 8 before you observed the cracks being formed, or
did 9 you begin to smell the soil after you observed the
10 cracks beginning to form?

11 A. They brought the soil later, because

12 the first soil that they used was not that one. 13
First we saw the cracks in the walls -- on the
14 walls, and then we smelled the contaminated dirt,
15 soil that they brought.

16 Q. So, in terms of the cracks, just so 17 I'm
not confused and I have this down, you started 18
observing the cracks forming approximately two 19
months after the project started?

20 A. Yes, as a matter of fact, we had to 21 talk
to them because they had a machine that was 22 shaking
the house, and there was a lot of 23 vibration, a very,
very strong vibration. So, we 24 had to talk to them
about this shuddering, and then

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2 Q. All right. How soon after Page 39
you

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1 there were more cracks.

3 started observing cracks did you speak with
the 4 people, the construction workers, about the
5 vibrations?

6 A. After we start, started seeing the 7
small cracks. But because the vibrations and the 8
shuddering was so powerful, so strong, we went to
9 the person in charge of the work and we talked to
10 the person.

11 Q. Do you recall who that person was?

12 A. One of them that came to the house, 13
because he came when the house was shaking and 14
vibrating, and he came over and he went inside the
15 house and his name was David Walsh.

16 Q. Do you recall who Mr. Walsh
worked 17 for?

18 A. I think for the State.

19 Q. Okay. Did Mr. Walsh come to your
20 house after you approached him, or did he
come 21 before you approached him?

22 A. First I went to talk to him.

23 Q. All right. And how soon after you 24
went and talked to him did he come to your house?

to 9 him?

10 A. First of all, I told him to please
11 have -- put the machine some distance away, because
12 it was very close to the house, the machine, and 13
the equipment, and you could feel everything. 14

Q. All right. What was his response 15 when you
asked him if the machine could be moved? 16 A.

They moved it, they moved it a little 17 distance away.
But anyway, nothing changed. 18 Excuse me.

19 Q. Yes?

20 A. This -- this is a machine that sifts
21 the dirt so that there are no rocks or pebbles
in 22 the soil.

23 Q. So, after you met with Mr. Walsh 24
initially to ask that the machine be moved, and he
3 house?

4 A. After I told him that please to take
5 action about this, he called us and he told us
he 6 was coming to the house.

7 Q. Okay. Do you recall what, if
8 anything, he talked to you about at the house
when 9 he came to visit?

10 A. About the cracks. We talked about
11 the cracks that we were seeing in the front of
the 12 house and also in the attic.

13 Q. And what was his response to
you 14 showing him the cracks?

15 A. That they were going to see what they
16 could do. And also we talked about the dust, 17
because there was a lot of dust and dirt in the 18
house. So, he said that they were going to bring a 19
machine, like a vacuum machine to clean the -- the

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1 A. About two days later, more or less.

2 Q. And when you first approached
him, 3 what did you say to him?

4 A. First of all about the cracks. As a
5 matter of fact, he was there in the house and
he 6 observed, because the house was vibrating,
he 7 observed the cracks.

8 Q. All right. And what did you say

20 dust.
21 Q. When you brought these issues to the 22
attention of Mr. Walsh, did he appear dismissive of
23 the complaints that you had, or did he appear to
be 24 sympathetic in wanting to help you?

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1 A. At that time he was very kind. And
2 they did clean the house. But because that 3
cleaning, vacuuming was so powerful, that they
4 broke all the metals, the metals, and also the
5 windows. The windows got cracked.

6 Q. Did they power wash the
windows? 7 A. Yes, that's what it was.

8 Q. And when there -- from what you said 9
that cracks formed in the windows, did Mr. Walsh or

10 anybody affiliated with his office do anything to 11
fix the cracks?

12 A. No.

13 Q. Are the windows still

cracked? 14 A. Yes, still.

15 Q. All right. So, we talked about 16
cracks forming in the house, and we talked about 17
soil. How soon after you started observing the 18
cracks in the house, and you had the meeting with
19 Mr. Walsh at your house, did the soil get piled by
20 your fence?

21 A. About three or four months
later, 22 that's when that soil arrived.

23 Q. Okay. You mentioned earlier, you 24
said that the soil was contaminated. What do you

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1 base that word, contaminated, off of? Is that 2
something you were told, or is that something that 3
you assume?

4 A. One of the female workers, she was 5 sick.
The one that does the excavating. The one 6 that moves the
dirt, the soil from one place to the 7 other places she had to
talk to her union. 8 I'm going to say this in
English. 9 This is the office that takes care of, protects 10
environmental source, something like (in English.) 11

Q. Do you know who -- first of all, do 12 you know who
the excavator was, do you know her 13 name?

14 A. I don't know her name. As soon as 15
she made a complaint, this agency came and they 16
took samples of the dirt.

17 Q. Do you know what agency came? 18

A. The one I told you, environmental. 19 Q. Was
there a particular person from 20 that agency that you
had any conversations with? 21 A. My neighbor
and I, we went to look at 22 them to see when they were
taking the samples of 23 the dirt.

24 Q. So, you saw them take samples of dirt Page

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1 and you went and spoke with this person? 2

A. Yes, we got there.

3 Q. Was it a man or a woman that you met
4 with?

5 A. It was a lady.

6 Q. All right. And do you recall her
7 name?

8 A. No, I don't remember her name. 9

Q. Did she give you her name or a 10
business card or anything?

11 A. No, no, they just sampled. They did
12 these samples and they did -- the samples went
13 through a test and we were told that it was 14
contaminated.

15 Q. All right. How soon after the 16 samples
were taken did you learn that the soil was 17
contaminated?

18 A. They had a unit there, it was like a 19
truck that came, and where they -- they had a lab 20 or
something and they did it right there and then, 21 the
test.

22 Q. How did you learn that the soil was
23 contaminated?

24 A. There was a journalist. I tried to
1 take pictures. I tried to take pictures of what 2
they were doing this because it was affecting me. 3
And they did not allow me to take them. 4 Q.
Who's they?

5 A. The people from the construction. 6
The people that were working at the construction 7
site did not allow me to take pictures.

8 Q. All right. How did they not allow
9 you to take pictures?

10 A. They said no, no, no. But at that 11 time,
the journalist that was there that reported, 12 he found
out, his name was Josh Benton. And then 13 he came to
the house and told us.

14 Q. So, that's Josh Fenton?

15 A. Yes, Josh.

16 Q. F-E-N-T-O-N?

17 A. Yes, Josh Fenton. F-E-N-T-O-N. 18

Q. You said Mr. Fenton is a journalist. 19
Who, what entity is he a journalist for, if you 20

know?

21 A. They have a paper here, a newspaper
22 here in Providence.

23 Q. Okay. So, it's an on-line newspaper?

24 A. No, no, no.

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1 Q. It's a newspaper I could go to
2 7-Eleven and buy?

3 A. Yes.

4 Q. What's the name of the newspaper?

5 A. We have it here in the file, too. 6

Q. Okay. Well, I think, I think I know 7 what
it is. We can take a look at it later. 8 A. I
think that it's local.

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1 answer if you know. Go ahead.

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2 A. When he came to the house because of
3 the contaminated dirt, and they did not allow me
to 4 take pictures, he did take pictures.

5 Q. (By Mr. Finkel) So, and the
question 6 that I was going to follow up with
was, did Mr. 7 Fenton observe you trying to
take pictures and 8 being told you couldn't?

9 A. Yes, he arrived right there and then. 10

Q. Okay. And did the people that told 11 you
that you couldn't take photographs, did they 12
come to your house to tell you that, or where were
13 you trying to take the photographs?

14 A. The fence, at the fence.

15 Q. Okay. So, you were on your property
16 when you tried to take photographs and you
were 17 told that you couldn't?

18 A. Yes, the workers from the other

side. 19 Q. Do you recall --

20 A. But the journalist, he did take
the 21 pictures.

22 Q. Do you recall the name of the people
23 or names of the people who told you you
couldn't 24 take photographs?

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1 A. No, I didn't take their names
or 2 anything like that.

3 Q. Did those people identify
themselves? 4 A. No, what happened is
that I

5 approached the fence, my fence, to take the 6
pictures. And they saw me and they came over and

9 Q. We can take a look at it later. So, 10 in
terms of Mr. Fenton, was he at the construction 11 site
when this testing was being done? 12 A. Yes.

13 Q. Okay. Had you ever heard of Mr. 14
Fenton before the first time you met him? 15 A.

It was the first time for me to meet 16 him. And the
reason why he went there is because 17 he found out that
there was another site with 18 contaminated dirt. And
then he found out that 19 there -- were going to sample
the dirt in this 20 area, so he went to this area.

21 Q. All right. And he somehow knew that
22 somebody was going to be there testing the dirt 23
behind your house?

24 MS. HOWAYECK: Objection. You can

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1 he was writing a story about
contaminated dirt that

7 said, no, no, no, you are not allowed to take 8
pictures.

9 Q. Okay. And then Josh Fenton came
to 10 the scene and started taking photographs?

11 A. Yes.

12 Q. And then after Mr. Fenton
took 13 photographs he came to your
house? 14 A. Yes.

15 Q. Okay. And why did he come to
your 16 house?

17 A. After the pictures, the people that 18
were doing the test of the contamination -- 19
contaminated dirt were there. And he told us that 20
he was going to write an article in the paper about 21
what was happening there with the contaminated dirt
22 because the same thing was happening in another
23 site.

24 Q. Is that all he said to you, is that
2 was from another site?

3 A. Yes.

4 Q. All right. Now, you mentioned 5
earlier about the excavator that got sick and 6
reported that she had gotten sick. How did you
7 learn that information?

8 A. Fenton was already working on this 9
case, and Fenton was already writing all of this. 10
Q. After you met with Mr. Fenton for the 11 first
time when he came to your house, did you meet 12
with him any other times?

13 A. No, so he started to write the
14 stories, and we were reading his stories.

15 Q. All right. And did you reach out to

16 him after -- after you started reading his stories? 17 A. Yes.
18 Q. All right. And why did you reach out 19 to him?
20 A. Because we were worried about the 21 state of the house. And then he told us that we 22 could hire an attorney.
23 Q. He told you you could hire an 24 attorney?

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1 A. Yes.
2 Q. All right. And how did that 3 conversation materialize, did you talk to him over 4 the phone, did he come back to your house, did you 5 communicate via e-mail, how did that all 6 materialize?
7 A. He came to the house.

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1 Q. Okay. So, did Mr. Fenton refer you 2 to DarrowEverett during the first time you met with 3 him or the second time you met with him? 4 A. Later.
5 Q. Okay. How many times have you met 6 with Mr. Fenton?
7 A. Three times.
8 Q. When was the third time you met with 9 him?
10 THE INTERPRETER: I'm sorry, the
11 second or the...
12 MR. FINKEL: The third.
13 A. A little bit after. Yeah, I don't
14 remember exactly the time (in English.) I don't
15 remember.
16 Q. (By Mr. Finkel) All right. Where
17 did that third meeting occur?
18 A. At home.
19 Q. All right. The third time that you 20 met with Mr. Fenton, was any lawyer from 21 DarrowEverett present during that interview? 22
A. No.
23 Q. No. Was it the second meeting or the
24 third meeting with Mr. Fenton when you were

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1 referred to a lawyer?

8 Q. He came to the house. Did you make 9 arrangements for him to come back to the house, or 10 did he just show back up to the house? 11
A. He told -- he told us that he was 12 going to come to talk to us to recommend us an 13 attorney, an attorney referral, an attorney that he 14 knew. And that's when we went to see the attorney. 15 Q. All right. And not to get into the 16 things that you talked about with your attorney, 17 but is it from the firm DarrowEverett that was 18 referred -- that you were referred to?

19 A. Yes.
20 Q. When did Mr. Fenton refer you to 21 DarrowEverett?
22 A. When we found out that the dirt was 23 contaminated because we had a very small child in 24 the house.

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2 A. I think it was the third time.
3 Q. Did you ask him for the name of a 4 lawyer or did he just give you the name of a 5 lawyer?
6 A. He said that he knew an attorney that 7 took these kind of cases and that he would 8 recommend -- recommend it.
9 Q. All right. And the discussion about 10 getting a lawyer, was that something that he raised 11 initially or is that something you brought up 12 initially?
13 A. We were talking that time when he -- 14 first time he came to the house. And we asked his 15 opinion about help, what could we do, because we 16 didn't know what to do.
17 Q. All right. So, the first meeting 18 that you had with Mr. Fenton, this was after he 19 arrived by your fence to take photographs, or he 20 took photographs, you brought up a request for help 21 in that area?
22 A. No, not yet.
23 Q. Okay. When did you ask Mr. Fenton 24 for help?
1 A. The third time when we saw him. 2 Q. All right. And did you see him the 3 third time because you were requesting help or was 4 there some other reason that you met with Mr. 5 Fenton that third time?
6 A. Yes, we were asking him some kind of 7 recommendation about what to do in our case. 8 Q. So, you reached out to him and asked 9 him for help?
10 A. Yes.
11 Q. All right. And his response to you 12 asking for help was what?
13 A. What I said before, that he knew an 14 attorney that he could recommend because they had 15

had a few -- many cases like that.

16 Q. All right. And did he give you the 17
name of the attorney or how did that -- how did 18
that work?

19 A. Yes, he gave us the name of the
20 attorney.

21 Q. All right. And did he introduce you 22 to
the lawyer or he gave you the name and you made 23 the
initial contact?

24 A. He gave us the name and the telephone Page

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1 and we got in touch with them.

2 Q. Okay. So, you initially called the
3 lawyer. He didn't call the lawyer for you?

4 A. No, he did not.

5 Q. All right. And again, I'm not
6 interested in anything that you talked with the 7

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1 don't we take a break now? It's a pretty
2 good time to take a break.

3 THE INTERPRETER: Yeah.

4
5 (A recess was taken)

6
7 MR. FINKEL: All right. We're ready
8 to go.

9 Q. (By Mr. Finkel) So, Mrs. Carmona, 10
welcome back. So, I already know the answer to 11
this, but you're married. What's your husband's 12
name?

13 A. Teofilo Ramon Carmona.

14 Q. All right. And you've been married
15 for how long?

16 A. 54 years.

17 Q. And I know earlier you had mentioned
18 that you have two children, I believe; is that 19
correct?

20 A. Yes.

21 Q. All right. And one recently moved to
22 Orlando, your son. How old is he?

23 A. 50.

24 Q. All right. And your daughter, what's Page

lawyer about, but what was the name of the lawyer 8
that Mr. Fenton referred you to?

9 A. That -- that Darrow office. I don't
10 remember the name of the first lawyer.

11 Q. Okay. So, at any point in time since 12 you
started meeting with Mr. Fenton, did you and 13 Mr.
Fenton meet with a lawyer together in the same 14 room?

15 A. Never. Never.

16 THE INTERPRETER: Mr. Finkel, I --

17 yes --

18 MR. FINKEL: All right. Yeah, so 19
it's about ten minutes to two. We have a 20
hard stop at two for Katie. So, do you want 21 to
break -- you need a break now?

22 THE INTERPRETER: Yeah, I need to
23 have a bio break.

24 MR. FINKEL: All right. So, why

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54

1 her name?

2 A. Elizabeth.

3 Q. Right. And how old is she?

4 A. 47.

5 Q. And where does she live?

6 A. North Providence, 43 Morgan Street.
7 Sorry, Avenue -- Avenue.

8 Q. Did your daughter live with you at
9 your current address at any time?

10 A. Yes.

11 Q. And when did she live with you?

12 A. When did she --

13 Q. Yeah, when.

14 A. -- live with me or when did she move
15 out?

16 Q. Well, I guess then when did she move
17 out?

18 A. During the construction project, she 19 was
at home and she had a baby. And because of the 20 -- all
these problems and the bad smell, so she 21 decided to
move out.

22 Q. All right. And how long ago was
23 that?

24 A. About four years ago.

1 Q. Okay. Do you currently work?

2 A. No, chores, housework. I stay at
3 home.

4 Q. All right. In terms of like work in
5 order to earn an income, you don't work? 6

A. No.

7 Q. All right. Are you retired?

8 A. Yes.

9 Q. All right. And what did you do for
10 work before you retired?

11 A. I was working on quality control in
12 this company called American Biophysics. 13

Q. All right. And where was that 14
located?

15 A. In East Greenwich.

16 Q. Okay. And how long did you work
17 there for?

18 A. Three and-a-half years.

19 Q. All right. And how far did you go in
20 school?

21 A. I am a technician on human resources,
22 administration of personnel.

23 Q. Okay. And did you go to college or
24 high school?

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1 A. So, I took this short career, a 2
profession after I finished high school. 3 Q.
All right. Where did you go to high 4 school?

5 A. In my country.

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1 A. No.

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2 Q. What about Stephen Cardi, does
that 3 name sound familiar to you?

4 A. No, neither.

5 Q. When this lawsuit was filed, was this 6
something that you talked with Josh Fenton about?

7 THE INTERPRETER: George Fenton, is
8 that...

9 MR. FINKEL: Josh.

10 THE INTERPRETER: Josh, Josh
Fenton. 11 A. Yes, we talked to him about it.

12 Q. (By Mr. Finkel) All right. And what
13 did you talk to him about the lawsuit? 14

A. That we had hired an attorney from 15 the law
firm of Darrow.

16 Q. Did Mr. Fenton encourage you to
file 17 a lawsuit?

18 A. We were the ones that asked him to 19
give us advice, to help us to see how -- what could 20
we do to fix the house.

21 Q. Okay. But you decided and your 22
husband decided to file this lawsuit without Mr. 23
Fenton encouraging you to do so?

24 A. That's correct.

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1 Q. Okay. Other than any advice or any
2 discussions that you had with your lawyer,

6 Q. What country?

A. Venezuela.

8 Q. When did you come to the United
9 States?

10 A. 25 years ago.

11 Q. And what brought you to the United
12 States, was it for work?

13 A. My son was already here. He was 14
living here. And things in Venezuela started to 15
become really bad. So, my son invited us and told 16
us to come and live here as residents. 17 Q. Do
you know Jim White?

18 A. No.

19 Q. No. Okay. That name's not familiar
20 to you?

21 A. Not with that name.

22 Q. All right. Do you know Steve Rogers?

23 A. No.

24 Q. That name's not familiar to you?

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1 Q. So, who were the people that
you

which 3 I'm not interested in knowing about, did
anyone 4 else encourage you or suggest that you
file this 5 lawsuit?

6 A. No.

7 Q. All right. Prior to filing this
8 lawsuit, did you discuss the potential for filing
a 9 lawsuit with anybody from the Rhode Island
10 Department of Transportation?

11 A. The Department of
Transportation? 12 Q. Rhode Island
Department of

13 Transportation.

14 THE INTERPRETER: Can you -- may the
15 interpreter have the question repeated? 16 Q.

(By Mr. Finkel) Prior to the filing 17 of this lawsuit,
did you discuss the lawsuit with 18 -- or the possibility of
the lawsuit with anyone 19 from the Rhode Island
Department of Transportation? 20 A. That was not

our main issue. Our 21 main complaint was that the people
that were 22 working at the site, they could -- they would
see 23 that because of the work, our house was getting 24
damaged, and we needed help.

2 thought were doing the damage to your

house? 3 A. The people that were working
there, 4 the people that brought this machine that
did a lot 5 of damage.

6 Q. Do you know who those people
were 7 working for?

8 A. It was a specific construction
9 company.
10 Q. Do you know the name?
11 A. I don't remember right now.
12 Q. Okay. Do you recall speaking with 13
anybody from that construction company about the
14 lawsuit?
15 A. No.
16 Q. Did you ever speak to anybody
from 17 that construction company?
18 A. No, neither.
19 Q. Have you ever heard the
company 20 called Cardi Corporation,
C-A-R-D-I? 21 A. No.
22 Q. It's not a name that's familiar
to 23 you?
24 A. Not with that name.

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1 Q. Are you familiar at all with
the 2 Local 57 Union?
3 A. No.

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1 A. No, just the family because they were
2 supposed to know.
3 Q. Since the filing of this lawsuit, 4 have you
spoken with any of your other neighbors 5 other than
Ms. Bonilla concerning the lawsuit? 6 A. I have
no other neighbor --
7 neighbors. I only have a neighbor, and that's her. 8
Q. When's the last time you spoke with 9 Mr.
Fenton about -- well, withdrawn. When's the 10 last
time you've spoken with Mr. Fenton? 11 A. It's
been a long time since the last 12 time I talked to him.
13 Q. What's a long time?
14 A. About one year. Nine months, more or
15 less.
16 Q. Was that when he met with you for
17 that third time?
18 A. Let me see just a minute. Since that
19 third time I have not seen him.
20 Q. All right. What about spoken with
21 him?
22 A. Yes, on the phone.
23 Q. When's the last time you spoke with

4 Q. Have you ever heard of the Local
57 5 Union?
6 A. No.
7 Q. Okay. Other than your lawyer and
8 other than Josh Fenton, did you discuss the
filing 9 of this lawsuit with anyone else?
10 A. With my children.
11 Q. And other than your children, Josh 12
Fenton, and your lawyers, did you speak with anyone
13 else about the filing of this lawsuit?
14 A. With my neighbor. With my female
15 neighbor, because we both have the same
problem. 16 Q. Were there any other
neighbors that 17 you spoke with about the issues
that you were 18 having in your home? And let
me clarify, other 19 than Ms. Bonilla.
20 A. No.
21 Q. All right. Were any other of your 22
neighbors aware of the issues -- to your knowledge,
23 aware of the issues that you were having at your
24 home, other than Ms. Bonilla?

24 him on the phone?

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1 A. About two months ago I -- I talked to
2 him.
3 Q. About what?
4 A. For an invitation, we had an
5 invitation from him for a birthday party for his 6
wife.
7 Q. Do you socialize with Mr. Fenton?
8 A. No, as a matter of fact, we didn't go
9 to that party.
10 Q. So, I just want to be clear. He
11 invited you to his wife's birthday party? 12
A. Yes.
13 Q. Why would he invite you to his wife's
14 birthday party?
15 A. I don't -- and I don't know her
16 either.
17 Q. Okay. Outside of meeting with Mr. 18 Fenton
at your home and talking to him on maybe the 19 telephone,
have you ever gone out to eat with Mr. 20 Fenton or
socialized with him in any capacity? 21 A. No.
22 Q. Did he tell you why he was inviting
23 you to his wife's birthday party?
24 A. I have no idea.
1 Q. Does Mr. Fenton know that you're here
2 today?
3 A. No.
4 Q. Are you going to call Mr. Fenton when
5 you're done today?
6 A. No.

7 Q. All right. I am going to mark the 8

next exhibit. I have copies for everyone. 9

MR. FINKEL: Here you go. There you 10
go. Perfect. No, that's hers. So, Madam 11
Court Reporter's going to mark the exhibit. 12
She'll hand it to you, Mrs. Carmona.

13 A. Okay.

14

15 (Exhibit 2, Complaint, marked)

16

17 Q. (By Mr. Finkel) All right. So, I've 18
marked the second exhibit here. It's the 19 Complaint.
And I'd just give you an opportunity to 20 look through
this document. It's a total of four 21 pages.

22 A. Thank you.

23 Q. So, once you've had an opportunity to
24 look at it, just let me know.

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1 A. Of course. Okay.

2 Q. Okay. Thank you. Have you read the 3
Complaint that's been marked as Exhibit 2 prior to 4

today?

5 A. No.

6 Q. Is this the first time you've read
7 the Complaint?

8 A. It looks like one that Kathryn showed
9 me.

10 Q. Okay. So, you may have seen this
11 prior to today?

12 A. They look alike. I'm not sure if
13 it's the same one.

14 Q. Okay. That's fair.

15 MR. FINKEL: So, on page four, and 16
just for the record, page four is Bates 17
stamped as V. Carmona Dep. 000006. 18 Q. (By
Mr. Finkel) The name, do you see 19 the name
James G. Atchison?

20 THE INTERPRETER: Atkinson?

21 MR. FINKEL: Atchison.

22 A. Yes.

23 Q. (By Mr. Finkel) All right. Is Mr. 24
Atchison the lawyer that Mr. Fenton introduced you

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2 A. All I knew was the name of
the law 3 firm, but no lawyers' names.
4 Q. Understood. Okay. So,
we're still

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1 of your head you don't know the name
of the entity? 2 A. No.
3 Q. Okay. Was this an entity that
you
4 hired to perform the soil analysis, or
was this --

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1 to?

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5 on page four of Exhibit 2, and I want to draw
your 6 attention to number 27. Do you see number
27? 7 A. Yes.

8 Q. All right. And I'm going to read 9
number 27 to you. It says, "The damage to the 10
property and the building from such trespass was 11
foreseeable, and the State failed to take any 12
remedial action in response to complaints regarding
13 the activities occurring on the adjacent parcel." 14
Where it says the word or the phrase, "Complaints 15
regarding the activities occurring on the adjacent 16
parcel," do you know what complaints are being 17
referred to?

18 A. The ones in the house.

19 Q. What do you mean by the ones in
the 20 house?

21 A. The damage that they caused
during 22 the construction.

23 Q. Okay. Now, in connection with the
24 soil issue, are you aware of any sort of testing
to

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1 the soil that was done by a group called
Rhode 2 Island Analytical?

3 A. I have the name of the lady that
4 helped us out, and she work for the Office
of 5 Environmental.

6 Q. Have you ever heard of an
entity 7 called Rhode Island Analytical?

8 A. No.

9 Q. All right. Are you aware whether any
10 entity other than the -- well, withdrawn. Are
you 11 aware of any entities or groups that
performed 12 testing on the soils at issue?

13 A. Yes, I do have that. But everything 14
and all the details, I have it in my files. 15 Q.

Okay. So, how many groups are you 16 aware of
that performed testing on the soils? 17 A.

The group that time when I was with 18 Miriam, Mrs.
Miriam, Miriam -- Miriam behind the 19 house.

20 Q. But you don't know the name of
the 21 entity?

22 A. I do have it, but I have it in
my 23 file.

24 **Q.** I understand that. But off the top
 5 was this group hired by someone else?
 6 A. This was because of the person that
 7 got sick, the lady that got sick that was working
 8 in the working site, because the smell, the
 fumes, 9 and she -- because of her.
 10 **Q.** When you say she got sick, do
 you 11 know what her illness was?
 12 A. No.
 13 **Q.** Was it a situation where she vomited
 14 as a result of the smells, or did she need to go
 to 15 the hospital for some reason, do you know
 the 16 nature of the illness?
 17 A. Yes, her lungs were -- got sick.
 18 **Q.** All right. And where did you learn
 19 about this -- this particular worker who got
 sick? 20 A. Mr. Fenton, he was covering that
 21 event.
 22 **Q.** All right. So, you have no personal 23
 knowledge of anybody getting sick from contaminated
 24 soil by your property?

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1 A. Only her.
 2 **Q.** But you have no personal knowledge of

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1 months old?

2 A. Three months old.

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3 **Q.** And he passed away at your
 home? 4 A. Yes.
 5 **Q.** All right. What was the date that
 he 6 passed away?
 7 A. I think it -- I think it was
 January 8 or February of 2019.
 9 **Q.** All right. And what was the cause
 of 10 death?
 11 A. We were told that it was caused
 by, 12 you know, when the babies don't wake
 up. 13 **Q.** Wait, like sudden infant
 death 14 syndrome?
 15 A. Sudden death. I don't know it
 in 16 Spanish.
 17 **Q.** I think it's called SIDS?
 18 A. Sudden death.
 19 **Q.** Okay. First of all, I'm sorry that 20
 that happened. And my intention is not to bring up
 21 a bad experience. Did any -- did you speak with
 22 any medical treatment provider about your 23
 grandson's death?

3 her getting sick. You only heard that through
 Mr. 4 Fenton, correct?
 5 A. Yes.
 6 **Q.** You never got sick from any soil
 that 7 was piled next to your property,
 correct? 8 A. No, but my grandson died.
 9 **Q.** When did your grandson
 die? 10 A. I'm sorry.
 11 **Q.** No, that's okay.
 12 A. My daughter was pregnant because she
 13 was going to have another baby. And my
 grandson 14 died after he was --
 15 THE INTERPRETER: May the
 interpreter 16 ask the answer to be repeated
 again? The 17 answer.
 18 A. So, my daughter was pregnant three
 19 months with her second pregnancy. And the
 first 20 one, he was three months old and he died in
 the 21 house. We're not sure if it was because of
 this, 22 but she had to move from there.
 23 **Q.** (By Mr. Finkel) So, your grandson
 24 was three years old when he passed away --
 three

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1 sick as a result of the soils that were
 piled up 2 next to your property?

24 A. No, we didn't wait for the fire -- Page 70

1 the fire truck. My husband took him out of the 2
 house. And when we arrived to the hospital, he had
 3 already passed.

4 **Q.** Okay. Do you know if any sort of 5 tests
 were done or if there was a -- and again, I'm 6 sorry to
 ask you this, but were there any autopsies 7 done or
 anything to determine what happened, or was 8 it just
 sudden infant death that sometimes 9 unfortunately
 happens?

10 THE INTERPRETER: Sometimes
 what? 11 MR. FINKEL: Unfortunately
 happens. 12 A. They said they were not
 going to do 13 any autopsy.

14 **Q.** (By Mr. Finkel) No medical
 provider 15 ever told you that your grandson
 passed away 16 because of the contaminated
 soil, correct? 17 A. No.

18 **Q.** Okay. Are you aware as to whether
 19 your husband, your son, or your daughter got
 sick 20 as a result of the alleged soil that was

21 contaminated?

22 A. So far, no.

23 Q. Okay. Have you ever been told by anyone that you were in imminent harm of getting

3 A. Not necessarily you get sick at that 4 moment, the illness can come later.

5 Q. Did anybody tell you that you are 6 likely to get sick later?

7 A. Yes, in the future, yes.

8 Q. Who told you that?

9 A. My primary care physician.

10 Q. And who's your primary care 11 physician?

12 A. Soria Galbarro-Durán.

13 Q. And where is your primary care 14 physician practicing?

15 A. The health center where we go. 16

Q. Okay. And what specifically did your 17 primary care physician tell you about getting sick 18 in the future?

19 A. Yes, she said that lung cancer or 20 cancer in the breathing airways.

21 Q. *Did your primary care physician tell 22 you that you were going to get lung cancer or that 23 you could get lung cancer?

24 THE INTERPRETER: I'm sorry, may

1 interpreter have the question

repeated 2 again?

3 MR. FINKEL: Madam Court Reporter, 4 can you read it back?

5

6 *(Question read)

7

8 A. She never told us that we were going 9 to get lung cancer. She said that we could get 10 lung cancer because of the records of other 11 patients.

12 Q. (By Mr. Finkel) Have you ever 13 treated with a pulmonologist?

14 A. I've never had any lung problems. 15

Q. All right. Were you ever told that 16 the baseline soils that had already existed on the 17 site adjacent to your property had levels of 18 contaminants that were higher than the soils that 19 were brought on site?

20 A. No.

21 Q. And again, I apologize if I already 22 asked you this question. And again, I don't mean 23 to ask the same question multiple times. I have a 24 bad memory. Who told you that the soil was

the Page

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1 contaminated that was brought onto the site near 2
your home?

3 A. We found out when that girl got sick.

4 Q. Okay. That Mr. Fenton told you 5
about?

6 THE INTERPRETER: That what?

7 Q. Mr. Fenton told you about.

8 A. First we went there, we were there. 9
And he came later. He arrived there because he 10
knew that the soil was contaminated. Can I tell 11
you the name of the construction company? 12

Q. Mm-hm.

13 A. Barretta.

14 Q. So, we had already went through this. 15
You have no personal knowledge of anyone getting 16
sick at this site, correct, this is all information 17 that

you learned from other people, correct? 18 A. Yes.

19 MR. FINKEL: All right. This is 20
going to be the next exhibit. If you could 21
hand that to Madam Interpreter, it's yours. 22
This is yours; this is yours. And we're 23 going
to mark this as Exhibit 3.

24

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1 (Exhibit 3, Health Consultation Route 6-10 2
Connector Reconstruction Site Soil Backfill and 3
Polycyclic Aromatic Hydrocarbons from Providence 4
County, Rhode Island, marked)

5

6 Q. (By Mr. Finkel) All right. Now, 7 this is
a fairly lengthy report, and I'm not going 8 to have
you look through it. What I want to do is 9 I want to
draw your attention to page seven. All 10 right.

11 MR. FINKEL: All right. And just for 12
the record, it's Bates stamped as V. Carmona 13
Dep. 000017.

14 Q. (By Mr. Finkel) So, I'm just drawing
15 your attention to the sort of the center of the 16
page where it says conclusions.

17 A. Yes.

18 Q. All right. So, I'm going to read it 19 to

you. And it says, "The incident at the Route 6- 20 10 connector reconstruction project was imported 21 PAH-contaminated backfill soil with the potential 22 for exposure to occupational workers in nearby 23 residential communities."

24 MR. FINKEL: I'll let you translate
1 it.
2 Q. (By Mr. Finkel) And then it says, 3 "The combination of an indeterminate time frame for 4 exposure in multiple exposure pathways put nearby 5 populations at risk for health effects associated 6 with soil ingestion of PAHS." All right. And then 7 it says, "However, based on the soil samples and 8 exposure scenarios evaluated, RIDOH concluded that 9 exposure to PAHS in the backfill soil from the 6-10 10 connector site did not pose a public health hazard 11 to occupational workers or nearby residents." And 12 then it says, "PAH backfill soil levels were 13 relatively low. Future exposures to contaminated 14 soil were mitigated by the removal of the backfill 15 soil piles in December 2020."
16 All right. And so, just for the
17 record, so this conclusion section of page seven 18 was from a document titled Health Consultation 19 Route 6-10 Connector Reconstruction Site Soil 20 Backfill and Polycyclic Aromatic Hydrocarbons from 21 Providence County, Rhode Island, prepared by the 22 Rhode Island Department of Public Health, and it's 23 dated April 27,

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1 Q. Were you ever aware of these

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2 conclusions that were issued by the Rhode
Island 3 Department of Public Health?
4 A. No.
5 Q. Have you seen or read any other 6
reports or opinions either from the Rhode Island
7 Department of Public Health or from any other
8 entities that discussed the levels of contaminants
9 on site and how those levels relate to health and
10 safety?

11 THE INTERPRETER: Relate to? 12

MR. FINKEL: Health and safety. 13

THE INTERPRETER: Health and safety. 14

A. No.

15 MR. FINKEL: Okay. We'll mark
this 16 the next. All right. So, we're going
to 17 mark this as Exhibit 4 -- sorry.

18

19 (Exhibit 4, E-mail Chain, marked)

20

21 Q. (By Mr. Finkel) All right. Mrs. 22
Carmona, I'm showing you what has been marked as

2021. Is this a document that 24 you've ever seen prior to today?

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1 A. No (in English.)

2 THE INTERPRETER: The answer was no.

3 The interpreter did not interpret the
4 question.

5 MR. FINKEL: That's fine.

6 Q. (By Mr. Finkel) Did anybody ever 7 tell
you that the soil samples and the exposures 8 that were
evaluated by the Rhode Island Department 9 of Public
Health, that the Rhode Island Department 10 of Public
Health had concluded that exposure to the 11 PAHS in the
backfill soil from the 6-10 connector 12 site did not pose a
public health hazard? 13 A. No.

14 Q. Were you ever aware of these
15 conclusions that were issued by the Rhode Island
16 Department of Public Health?

17 A. No.

18 Q. Have you seen or read any other 19
reports or opinions, either from the Rhode Island 20
Department of Public Health or from any other 21
entities that discuss the levels of contaminants on 22
site and how those levels relate to health and 23 safety?

24 A. No.

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1 just take a moment to review it and
just let me

23 Exhibit 4. And I'm only interested in and -- 24
sorry, it's an e-mail string. And the e-mail that

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1 I am mostly interested in showing you is the
very 2 first e-mail that is from Kelly Owens from
the 3 State of Rhode Island. Okay. And do you
know 4 Kelly Owens?

5 A. No.

6 Q. It's not a name that's familiar
to 7 you?

8 A. No.

9 Q. All right. Is the name Terry
Gray 10 familiar to you?

11 A. No.

12 Q. All right. What about Jeff
Crawford? 13 A. Neither.

14 Q. Okay. What about Leo

Hellested? 15

Leo Hellester? 16

THE INTERPRETER:

MR. FINKEL:

Hellested.

17 THE INTERPRETER: Hellested.

18 MR. FINKEL:

H-E-L-L-E-S-T-E-D. 19 A. No.

20 Q. (By Mr. Finkel) Okay. So, the e 21
mail -- well, I'll give you a chance just to review 22
this e-mail. And just to save time, again I'm only
23 interested in this first e-mail where it starts 24
with Terry and it ends with Kelly. All right. So,
2 know when you're ready. Okay. No, the first
-- 3 the first page. Yeah, just that sort of that
first 4 part, where -- do you see at the top where
it says 5 Terry?

6 A. Mm-hm.

7 Q. And ends with Kelly. Sort of in the
8 middle of the page. And then it says Terry at
the 9 top and it says Kelly kind of at the middle.

10 A. Okay. Thank you.

11 THE COURT REPORTER: Can we go
off 12 the record for a second?

13 MR. FINKEL: Sure.

14

15 (Off the record)

16

17 Q. (By Mr. Finkel) Thank you. All 18
right. So, Mrs. Carmona, I had you review an e 19
mail that was dated December 2, 2020 from a Kelly 20
Owens from the State of Rhode Island. Had you ever
21 seen this particular e-mail prior to today? 22

A. No.

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Teofilo R. and Virginia E. 3 *(Question read)
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1 a minute.

2

6 Q. (By Mr. Finkel) All right. We're
7 going to mark this as the next exhibit. 8

THE COURT REPORTER: I think it's 9
five.

10 MR. FINKEL: Five? Yeah. Madam,
you 11 already have a copy. It's what I gave you
12 earlier.

13 THE INTERPRETER: This one?

14 MR. FINKEL: Yeah. Okay. It's
the 15 interrogatories. I gave them to you
16 earlier.

17
18 (Exhibit 5, Plaintiffs' Teofilo R. Carmona
19 and Virginia E. Carmona's Answers to First Set of
20 Interrogatories Propounded by the State of Rhode

23 Q. **All right. And did anybody ever

24 tell you at all, either prior to the filing of
your

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1 lawsuit or at any time after the lawsuit had
been 2 filed, that the contaminants that were
alleged as 3 part of the soil piles had already been
in other 4 soil within the footprint of the Route
6-10 5 construction project?

6 THE INTERPRETER: The interpreter
is 7 having a hard time understanding.

8 MR. FINKEL: Yeah, it's not a
great 9 question.

10 THE INTERPRETER: With footprints?

11 MR. FINKEL: Not a great question. 12

THE INTERPRETER: I'm sorry. 13

MR. FINKEL: That's fine. Can you do 14
me a favor, Madam Interpreter -- Madam Court 15
Reporter, and read it back and see if it 16 makes
any sense?

17

18 *(Question read)

19

20 MS. HOWAYECK: Objection. You
can 21 answer. You can answer.

22 A. Can you repeat the question,
please? 23 MR. FINKEL: Sorry.

24 THE COURT REPORTER: Sorry. Give me

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1 A. Yes.

2 Q. Okay. So, the question I
have starts 3 on page four with
interrogatory number seven. All 4
right. And the interrogatory states,
"Please state 5 with as much specificity
as possible all facts upon

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1 These are Plaintiffs' Teofilo R. Carmona and 2
Virginia E. Carmona's Answers to First Set of 3
Interrogatories Propounded by the State of Rhode
4 Island. Okay. And I want to draw your
attention 5 to page 15. Actually, sorry, page 14 of
this 6 document. Just let me know when you get
there. 7 And do you see sort of at the bottom of the
page 8 where it says Verification for Answers to 9
Interrogatories and it starts with I, Virginia E. 10

Carmona?

11 A. Yes.

12 Q. All right. And at the bottom of the 13
paragraph it states, "Executed on this 10th day of
14 August, 2023." And then there appears to be a
15 signature with the name Virginia E. Carmona
16 underneath?

17 A. Yes.

18 Q. All right. And the signature here 19
that's above the name Virginia E. Carmona, is that
20 your signature?

21 A. Yes.

22 Q. All right. And do you recall
23 reviewing these interrogatory answers
before 24 signing the verification that's on page
14?

6 which plaintiffs rely in support of their
claims 7 against the State."

8 All right. So, probably the easiest 9
thing to do is to review yourself where it starts 10 at
the answer where it says, "The State." Do you 11
see where it says, "The State?" So, why don't you
12 review that, read it to yourself, and let me know
13 when you're done. Okay?

14 A. Okay.

15 Q. All right. So, in the middle,
you 16 see where it says, "As a result of the
17 construction, plaintiffs' property has been
exposed 18 to significant vibrating, shaking,
shuddering, and 19 quaking." All right. And then it
goes on to say, 20 "In addition, contaminated and
polluted soil has 21 been transported, stored, sifted,

and sorted at the 22 adjacent parcel, leading to a
strong nauseating 23 smell, which lingered for a
significant period of 24 time." And then very -- well,
the second to last

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1 sentence in the paragraph, it says, "The State has
2 previously been made aware of these issues and
has 3 taken no action to abate same." All right. So,
4 are you aware that the State hired an entity to 5
perform vibration monitoring near your home? 6

A. Yes.

7 Q. And where?

8 A. Outside, outside the house.

9 Q. Outside the house. Did somebody ever
10 come to your house, to either inside your house
or 11 outside the house, to assist or to talk to you 12
about the vibration monitoring?

13 A. They came when they were
installing 14 it, and they told us that that was the
reason for 15 it.

16 Q. And to your knowledge the
vibration 17 monitoring is still in place, correct?

18 A. No, they removed it already.

19 Q. When did they remove it?

20 A. Practically when they finished
the 21 construction.

22 Q. All right. And did anybody tell you 23
what the purpose of the vibration monitoring was
24 for?

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1 A. To find out and to be aware how much 2
vibration and how much the land was moving with the 3
vibration.

4 Q. All right. And the vibration
5 monitoring was installed because you had told David 6
Walsh that there was vibrations in your home as a 7
result of the construction, correct?

8 A. Yes.

9 Q. All right. So, the State, upon being 10
told that there was vibration in your home, did 11
make an effort to find out what was causing the 12
vibration, correct?

13 MS. HOWAYECK: Objection. You can

14 answer.

15 A. The reason why they placed that 16
monitor when he was in the house, he noticed that 17
there was a lot of vibration in the house. So, 18 that's
why they placed that monitor there. 19 Q. (By Mr.
Finkel) Right. So, the 20 State in fact made an effort
to find out what was 21 causing the vibration, correct?

22 MS. HOWAYECK: Objection. You can
23 answer.

24 A. No, I am not going to answer.

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1 Q. (By Mr. Finkel) You have to answer. 2

A. Yeah, we know that they made an 3 effort,
but also they knew that there was vibration 4 and it
was damaging the house.

5 Q. So, when the State had the vibration 6
monitoring put in place, it's not entirely true, 7 your
statement that the State had taken no action 8 to abate
same, correct?

9 MS. HOWAYECK: Object. Sorry. Go
10 ahead. Objection. You can answer. 11

A. Yeah, the issue about the vibrations, 12 they took action, but nothing happened. They 13 didn't offer, they didn't say we're going to take 14 remedies or we're going to fix that. The -- there 15 were no results.

16 Q. (By Mr. Finkel) So, the question I 17 asked was where the State put the vibration 18 monitoring in place, the statement that you made in 19 your interrogatory answer number seven that the 20 State has taken no action to abate same is not 21 true.

22 A. They put that device there, the 23 monitor, but it didn't help at all. It didn't do 24 anything.

1 Q. I understand what you're saying, that 2 the vibration monitoring, in your opinion, didn't 3 do anything, but you make a statement in your 4 interrogatory answers that states that the State 5 had taken no action to abate same, pertaining to 6 vibration, shaking, shuddering and quaking, yet the 7 State put vibration monitoring in place. 8 A. So, I have to say yes, that they did 9 -- they took some action?

10 Q. I'm not telling you what to answer. 11 You can either answer the question or not answer 12 the question if you're not able to.

13 A. As a homeowner, and in my opinion, I 14 can tell you that they brought this device, this 15 machine, and the monitor. But it was there and 16 nothing happened. They never said we are going to 17 help so that this stops the vibration. It didn't 18 happen.

19 Q. Are you aware that the soil pile was 20 removed in December of 2020?

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1 objection. And then there's an answer that says, 2 "At this time no inspections have been conducted." 3 So, since August 10, 2023, have there been any 4 inspections conducted on your home concerning the 5 cause of the alleged damage?

6 A. No.

7 Q. All right. And in terms of -- we 8 talked extensively earlier about cracking that you 9 observed in your home. Have you had any inspectors 10 or anybody come to your home to do an estimate as 11 to what it would cost to repair the cracks? 12 A. No, it has not been done.

13 Q. Have the cracks been fixed?

14 A. No, nothing has been fixed. It's 15 exactly the way it was.

21 A. Yes.

22 Q. All right. And were you ever told 23 why the soil pile was removed?

24 A. Because it was contaminated.

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1 Q. So, at some point, and we looked at 2 some of the documents, the State was made aware of 3 the contaminated soil, correct?

4 MS. HOWAYECK: Objection. You --

5 A. Yes.

6 MS. HOWAYECK: -- can answer if you 7 know.

8 Q. (By Mr. Finkel) All right. So, when 9 the State removed the soil pile after being 10 informed that it was contaminated, it's not true 11 then in your interrogatory answer where it says 12 that "The State has taken no action to abate same." 13 Correct?

14 A. Yes, in that sense, yes.

15 Q. All right.

16 MR. FINKEL: What time is it.

17 Q. (By Mr. Finkel) All right. Let's go 18 to interrogatory number 12. All right. So, 19 interrogatory number 12 says, "Please identify all 20 inspections and/or investigations of the property 21 concerning the cause of the alleged damage and 22 state names of all attendees and whether such" -- 23 I'm sorry. "And whether a written report was 24 prepared." All right. And then there's an

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16 Q. Has anybody told you that your home 17 is uninhabitable because of cracks that were formed 18 over time?

19 A. Nobody has come to do an inspection. 20 In other words, we haven't called anybody to come 21 and inspect the property.

22 Q. Has the cracking got worse since the 23 construction ended?

24 A. They have gotten worse.

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1 Q. Did you ever have a home inspection 2 before purchasing the house?

3 A. Yes, yes, it was inspected before we 4 bought it. And they also did some work on the 5 outside of the house, the painting outside, the 6 yard, everything was perfect.

7 Q. Who is they?

8 A. Housing.

9 Q. What's the name, what's the name of 10 the company?

11 A. Housing. Yes, they repair our house. 12 They put everything beautiful (in English.) 13

Q. So, the seller of the house made some 14

fixings before you --
15 A. No, no.
16 Q. No?
17 A. No, we fixed everything before we 18
moved in. The exterior of the house, the painting, 19
everything before we moved in.
20 Q. Okay. And you fixed it yourself? 21
A. We took a loan from housing. 22 Q.
Okay. And did you hire somebody to 23 do the
work or did you do it yourself? 24 A. Yeah,
we hired a company.
1 Q. Do you know the name of the company?
2 A. A & C Construction.
3 Q. All right. Do you know if they're
4 still in business?
5 A. I think so.
6 Q. All right. And do you know who did 7 the
home inspection before you purchased the house? 8
A. No, I don't know. Yeah, I do have it 9 at home. It's in
my file with all the housing. 10 Q. You have the
inspection report? 11 A. Yes, yes, I do.
12 Q. All right.
13 A. Oh, can I add something and tell you
14 something?
15 Q. Sure. Yes.
16 A. There is a new law here in Rhode 17
Island, in Providence. So, the houses that are 18
rented, that you rent out, they have to have a lead 19
inspection. So, we called the inspector, the lead 20
inspector, because it is -- they demand us to do 21 that.

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1 A. Not because of the cracks, the

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2 cracking, but because of the smell, because it was
3 very horrible and very powerful, the smell. So,
we 4 had to leave during the day and just come
back at 5 night to sleep.
6 Q. Got you. So, how many days did
you 7 leave the house during the day?
8 A. We would go to my daughter's house 9
and we would spend the whole day there, and then we
10 come -- we would come back at night.
11 Q. All right. When's the last time
you 12 spoke with Miriam Bonilla about this
case? 13 A. Last week.
14 Q. And what did you speak with
her 15 about?
16 A. That we were going to have an
17 appointment in reference to this case because we 18
have been waiting for more than five years. 19 Q.

And then the inspector said that the way -- 22 the state
the house is right now, he cannot do the 23 inspection.
24 Q. All right. And what do you mean by Page

92

1 that -- or what do you mean by that, that due to 2
the state of the house he can't do the inspection? 3

A. Because -- because it has to be
4 painted, it has to be repaired, the fissures, the 5
cracks, and also the -- every -- the painting. The 6
stairs and everything has to be repaired before 7 they
can write the report.

8 Q. All right. And when I ask about like 9 a
home inspection that you said that you had in 10 your
records, I'm asking about the home inspection 11 from
like 25 years ago. You still have that in 12 your
possession?

13 A. Yes, I do. I do have it at home. 14
Q. I'm impressed that you kept that. 15 I'm just
going to ask that you not dispose of it 16 and I'll
make a formal request for it.

17 A. No, no, I have that --

18 Q. Great.

19 A. -- stored, because these things you
20 need to keep them.

21 Q. Okay. So, I'm running a little short 22 on
time, so I'm going to try to get as far as I can 23 here. So,
have you had to move out of your home at 24 all for any
reason related to the cracking?

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1 MS. HOWAYECK: That's
fine, yeah.

All right. And did you -- do you 20 know whether or
not Ms. Bonilla has met with Josh 21 Fenton before?

22 A. No, but we met him at the same
time 23 together.

24 Q. Okay. And that was when you tried to

Page

94

1 take pictures?

2 A. Correct.

3 Q. All right. And were there any other 4
times where you and Ms. Bonilla met with Mr. Fenton 5
or was that the only time together?

6 A. When they were testing the soil
for 7 the contamination in the backyard,
behind the 8 backyard.

9 Q. All right. And you had mentioned 10
earlier, very early in the deposition, about the 11
landscaping that's going on now. When did that
12 start?

13 A. About a month ago.

14 MR. FINKEL: Okay. All right.

So, 15 it's 4:21. I'm very, very close. But

are 16 we going to be cutting it close for

you, 17 Katie, if we keep going?

18 MS. HOWAYECK: I can maybe do

4:45. 19 MR. FINKEL: All right. I don't

know 20 that I can, I try to be done. But so it's

21 the RPDs that I want to show. So, I'm 22

afraid, because of the pictures, that it's 23

going to take a little longer than that.

24 So, do you mind if we suspend?

2 MR. FINKEL: All right. So, I

3 appreciate very much your patience today. I

4 have a little more to go that I just don't 5

think we're going to be able to get to it 6

today, because your lawyer has to -- she has 7

another appointment today. So, we're going

8 to suspend the deposition. We'll reconvene.

9 We're going to do it next time at your 10

lawyer's office.

11 THE WITNESS: Perfect.

12 MR. FINKEL: And I think what we

can 13 do is we can try to do it on the same day

as 14 her husband.

15 MS. HOWAYECK: Right.

16 MR. FINKEL: We'll start earlier in 17

the day. We're off the record now, guys. 18

THE COURT REPORTER: I need to get 19
ordering on the record.

20 MR. FINKEL: I'll take your, I'd say 21

the deluxe special, but an e-tran PDF. 22 MS.

HOWAYECK: I'm the same. 23 THE

COURT REPORTER: Full size, mini? 24

MR. FINKEL: Yeah.

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1 MS. HOWAYECK: Full size.

2 MR. MARCACCIO: And I'll take a mini,

3 yeah.

4

5 (Deposition suspended at 4:22 p.m.)

6

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1 I, PAULINE L. BAILEY, Commissioner, 2 do hereby certify that,
Virginia E. Carmona,

3 appeared before me, and satisfactorily identified 4 herself on the 5th day of
December, 2024, at 10 5 Dorrance Street, Providence, Rhode Island, and was 6 by
me duly sworn to testify to the truth and

7 nothing but the truth as to her knowledge touching 8 and concerning the matters in
controversy in this 9 cause; that she was thereupon examined upon her 10 oath and
said examination reduced to writing by me; 11 and that the statement is a true record of
the

12 testimony given by the witness, to the best of my 13 knowledge and ability.

14 I further certify that I am not a

15 relative or employee of counsel/attorney for any of 16 the parties, nor a relative or
employee of such

17 parties, nor am I financially interested in the

18 outcome of the action.

19 WITNESS MY HAND this 18th day of 20 December, 2024.

21

22

23

Pauline L. Bailey My commission expires: 24 Commissioner
April 30, 2025

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STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

TEOFILO R. CARMONA and)
VIRGINIA E. CARMONA)
)
Plaintiffs,)
)
vs.)
)
STATE OF RHODE ISLAND,)
Acting by and Through the)
Department of Transportation,)
)

Defendant.)

C.A. No. PC-2021-06462

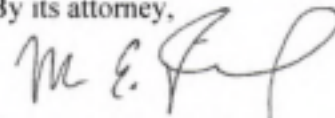
RE-NOTICE OF DEPOSITION

DEPONENT: Virginia E. Carmona
DATE: Thursday, December 5, 2024
TIME: 11:30 am

Defendant hereby gives notice of its intention to take the oral examination of **Virginia Carmona at 11:30 AM on December 5, 2024**, at the office of Freeman Mathis & Gary LLP, 10 Dorrance Street, Suite 700, Providence, Rhode Island 02903, pursuant to the Rhode Island Rules of Civil Procedure 30 and 45, before a Notary Public or before some other officer authorized by law to administer oaths. A Spanish translator will be provided. The oral examination will continue from day-to-day until complete.

You are invited to attend and cross-examine.

Respectfully submitted,
DEFENDANT
State of Rhode Island, acting by and through
the Department of Transportation
By its attorney,



Marc E. Finkel, #8870
Freeman Mathis & Gary LLP
10 Dorrance Street, Suite 700
Providence, RI 02903-2014

Health Consultation

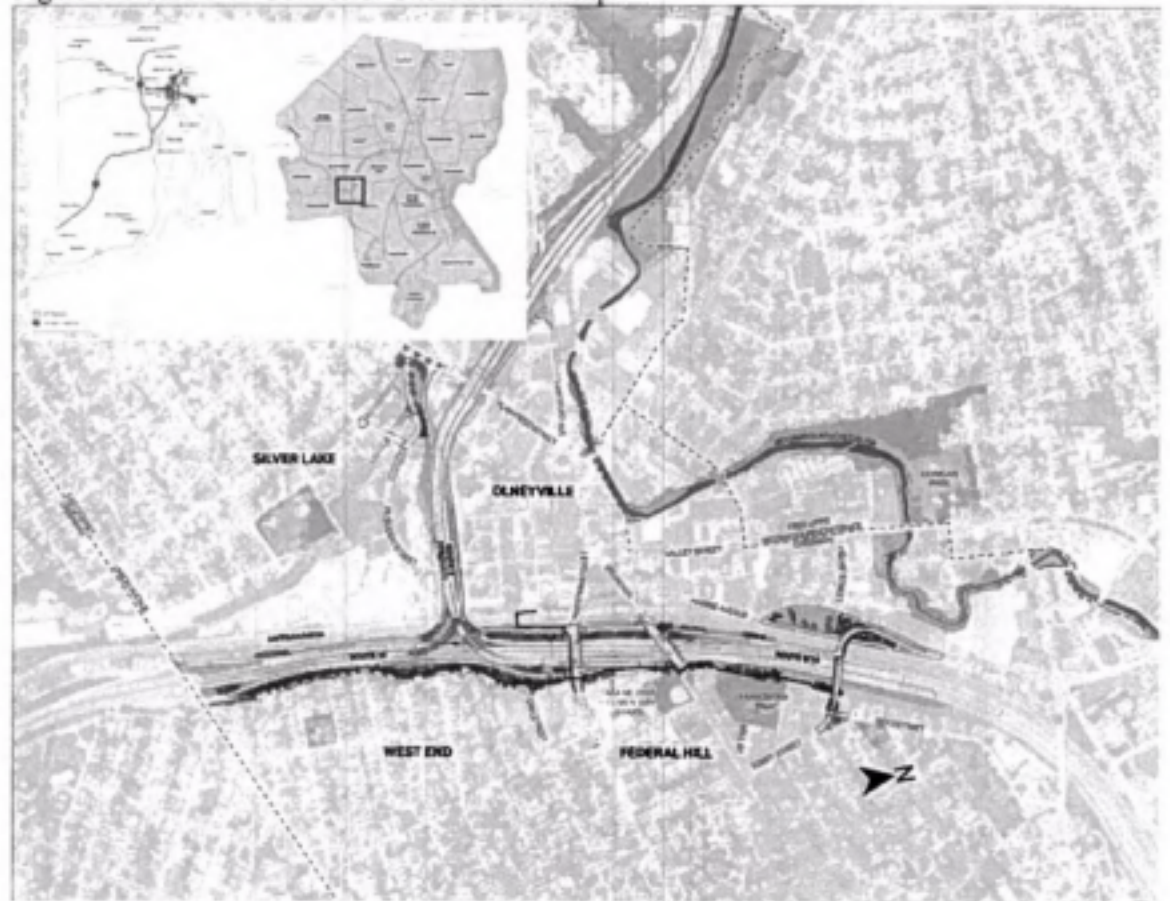
Route 6-10 Connector Reconstruction Site:
Soil Backfill and Polycyclic Aromatic Hydrocarbons

Providence, Providence County, Rhode Island

Prepared By:

Environmental Health Risk Assessment Program
Rhode Island Department of Health
Under Cooperative Agreement with
U.S. Department of Health and Human Services
Agency for Toxic Substances and Disease Registry

Figure 1. Route 6/10 Connector Site Location Map.



("Route 6/10 Illustrative Plan," n.d., 10)

