

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

JENNIE R. MCELMURRAY,)
R.A. MCELMURRAY, JR.,)
MARTHA P. MCELMURRAY, and)
R.A. MCELMURRAY AND)
SONS, INC.,)
)
Plaintiffs,)
) CIVIL ACTION FILE
vs.)
) NO. 198-216
AUGUSTA-RICHMOND COUNTY,)
et al.)
)
Defendants.)

HENRIETTA M. BOYCE,)
GEORGE WILLIAM BOYCE,)
CAROLYN SCOTT BOYCE, and)
HUGH R. BOYCE, d/b/a)
BOYCELAND DAIRY,)
)
Plaintiffs,)
)
vs.)
) CIVIL ACTION FILE
AUGUSTA-RICHMOND COUNTY,)
et al.)
) NO. 198-217
)
Defendants)

DEPOSITION OF DURWOOD ALLEN SAXON, JR.

taken by Counsel for the Plaintiffs
before Karen K. Perhonish, Certified Court Reporter
at the law offices of William A. Trotter III, P.C.
3527-A Walton Way, Augusta, Georgia
on Friday, the 23rd day of July 1999
commencing at 8:40 a.m.

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1 A. Are they? Let's see. Site numbers--these are
2 just referenced by field number, not field name.

3 Q. Did you ever do a key where you showed the field
4 name and the field number?

5 A. It seems like maybe I did.

6 Q. Look at page 22274 in Exhibit 371. Are you
7 there?

8 A. Yes.

9 Q. Is that your handwriting?

10 A. No, it's not.

11 Q. Do you know whose handwriting it is?

12 A. I could guess.

13 Q. Whose do you think it is?

14 A. Mr. Avery's.

15 Q. Did you do anything with this sheet when you were
16 doing your calculations for purposes of Plaintiffs' Exhibits
17 151 and 296?

18 A. No, I don't believe so.

19 Q. Do you know what these numbers mean?

20 A. It looks like it's dry tons.

21 Q. Did you go through and verify the calculations
22 concerning these numbers?

23 A. No, I did not.

24 Q. Do you know from all the information at your
25 disposal what field number the Wilkins Place would be?

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1 A. Not right off. Wilkins?

2 Q. Wilkins. Because see on page 22263, at the top,
3 it says, "This field is part of the Wilkins Place and is
4 located on the Keysville Road."

5 A. I'm not familiar with that one.

6 Q. Excuse me?

7 A. I'm not familiar with that one.

8 Q. Have you ever heard of a Wilkins Place affiliated
9 with McElmurray farm?

10 A. It doesn't sound familiar.

11 Q. Would you look at Bates number 14865, and I
12 believe that's an analysis from the lab; is that correct?

13 A. Yes.

14 Q. Do you recognize RN?

15 A. Probably Robert Nelson.

16 Q. And it indicates this is February sludge 2/27/89.
17 Does that indicate when the sample was taken?

18 A. Yes.

19 Q. And it's your testimony that--well, look at page
20 15106. Is this another one of those lab reports?

21 A. Yes.

22 Q. And it indicates it's from--

23 A. This is one from the computer.

24 Q. Excuse me?

25 A. The lab information in the computer.

1 Q. Right. The lab information in the computer. Was
2 this printed out? Obviously it was, in 9/89.

3 A. That's what it looks like.

4 Q. Do you know the purpose of printing it out? Were
5 you given a copy of it?

6 A. I don't believe so.

7 Q. And the problem, the issue with the TKN and the
8 nitrogen-3 would be the same issue? Is that correct?

9 A. It appears that way.

10 Q. Now, how would you find out that the decimal
11 point is in the wrong place by an order of magnitudes?

12 A. Well, it's actually off by about four orders of
13 magnitude, but--

14 Q. So what's marked 7.59000 should be 75,900; is
15 that correct?

16 A. Yes, that would be my--

17 Q. And how did you find out that those numbers are
18 incorrect?

19 A. Just looking at it.

20 Q. And the source of this data would be from the
21 lab?

22 A. That's where the data came from that was entered
23 into the computer. Now, you've added a step and added a
24 person and introduced the possibility of error. So--

25 Q. Can you tell me--and I'll ask you this the last