

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

THE CINCINNATI INSURANCE )  
COMPANY, )

Plaintiff, )

vs. )

RECREATION CENTERS OF SUN )  
CITY, INC., )

Defendant. )  
----- )

Case No.  
CV 07-0329-PHX-PGR

VIDEOTAPED DEPOSITION OF RUSSELL BECK

Phoenix, Arizona  
November 15, 2007  
1:06 p.m.

REPORTED BY:  
MARTA M. RICE, CSR, RPR  
Certified Reporter  
Certificate No. 50746

PREPARED FOR:  
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1           A.    Yes, sir.  They had, not mushroom covers, but  
2 they had big -- big square covers.  The big one did.  It  
3 was like maybe six-foot-by-six-foot, something like that.  
4 It was a big one.

5           Q.    Okay.

6           A.    The center one.  The other ones are, like, oh,  
7 maybe three-foot-by-three-foot.

8           Q.    And were they surrounded by anything?  Were  
9 they --

10          A.    Well, they have metal caps over them.

11          Q.    Metal caps.

12          A.    The bird screens to keep the birds out of them.

13          Q.    Okay.  So somebody just looking up from the  
14 ground wouldn't necessarily know that there were fans up  
15 there?

16          A.    No.  You can't even see them from the ground.

17          Q.    Okay.  Did you experience any problem with the  
18 fans during your employment and your servicing of them?

19          A.    I guess you could say they were in -- they were  
20 all right.  I mean, they -- until they started the  
21 remodel, this last remodel, but -- but other than that  
22 they were working fine.

23          Q.    Okay.  You apparently gave an interview to Ann  
24 Stewart.  Is that right?

25          A.    Yeah.  She got ahold of me and wanted to know if

1 I knew anything about what was going on down there.

2 Q. Okay. And this would have been in October of  
3 last year?

4 A. Yeah, I believe so.

5 Q. And is it true that during that interview that  
6 you -- you indicated to Ms. Stewart that you thought some  
7 of the fans might not have been working?

8 A. They weren't working.

9 Q. Okay.

10 A. One was working. Three of them weren't. The big  
11 one wasn't. The two west side ones weren't and one east  
12 side, northeast side one wasn't working, but the southeast  
13 side one was. It's a small one.

14 Q. All right. So the -- the big one in the middle,  
15 that was working?

16 A. No, it wasn't.

17 Q. That was not working either?

18 A. That was not working.

19 Q. The -- was only one fan working?

20 A. One little fan working. That was it.

21 Q. On the southeast corner?

22 A. Um-hmm.

23 Q. Okay. If I asked you to draw me a diagram, using  
24 a sheet of paper, could you do that?

25 A. Sure.

1 Q. I'll give you a pen. And if you'd be so kind to  
2 just draw -- and it doesn't have to be scale or anything.

3 A. That's good.

4 Q. Okay? Doesn't have to be really neat.

5 A. Okay.

6 Q. Just if you would, draw what the roof would look  
7 like looking down from above. Okay?

8 A. Okay.

9 Q. Top of the roof.

10 A. Okay. There's another deck over here, but this  
11 is at the pool side.

12 Q. All right.

13 A. Okay. The big one was here, little one here,  
14 small one here, small one here, small one here.

15 Q. Now, for each one of the fans that you say was  
16 not working -- and when -- when we say, "not working,"  
17 I'm -- I'm asking as of the day of the roof collapse.  
18 Okay?

19 A. I wasn't there the day the roof collapsed.

20 Q. Okay.

21 A. I was gone before that.

22 Q. All right. When -- when did you first become  
23 aware the fans weren't working?

24 A. When we remodeled. When they did the chiller --  
25 okay. When they did the men's club and the pool -- well,

1 the men's club used to kind of extend real close to where  
2 the chiller room was. And all the electric and everything  
3 ran from the chiller room where the electrical panel boxes  
4 are through cables and conduits and stuff and out. And  
5 when they come in there they saw cut everything in about  
6 like 10 feet. And when they did that they cut all the  
7 lines.

8 Q. Did you see them cut?

9 A. Yes, sir.

10 Q. Okay.

11 A. And so when -- they were supposed to -- you know,  
12 that's all construction. They had the chiller and  
13 everything shut down, which was no problem. It didn't  
14 hurt the chillers or nothing because they're already shut  
15 down because they were doing the construction. But when  
16 they came back, wanted me to turn the chillers on, I  
17 couldn't get any power to the chiller.

18 Q. Now, the remodel that you're talking of, was that  
19 around 2003?

20 A. Yes, sir. 2003, 2000 -- yeah. 2003. The last  
21 one.

22 Q. Okay. And then you were no longer employed by  
23 Sun City as of when?

24 A. November of '05.

25 Q. Okay. And so from sometime in 2003 to November

1 of 2005, it's your understanding that those fans were not  
2 working?

3 A. Yeah. They still weren't working when I left.

4 Q. Okay. And that's because the -- the electrical  
5 lines had been cut to them?

6 A. Yeah. That's what they told me. Because  
7 everything had been cut.

8 (Cell phone interruption.)

9 THE WITNESS: Let me turn this thing off.  
10 Sorry about that.

11 MR. SURREANO: It happens.

12 THE WITNESS: Yeah, because that controlled  
13 everything, went upstairs. Because everything went in  
14 from, like I say, chiller room and into the panel boxes.  
15 And when I went in to turn the chillers on they wouldn't  
16 start. So I checked and there was no power going to them.

17 MR. SURREANO: Um-hmm.

18 THE WITNESS: So I got ahold of the  
19 electrician and I told Mel. I said, "Man, they cut the  
20 wires or something." So the electrician come in there,  
21 found out where they were, he jumped them temporarily  
22 until they could get back in there and find out where they  
23 were and pull new wires.

24 And then I said, "Well" -- I went upstairs  
25 and there was no fans. So I did that three or four times

1 and checked and there was nothing. And I told Paul  
2 with -- Paul -- I can't remember. He was -- I can't  
3 remember his last name, but he was the supervisor over  
4 Sundial.

5 And I said, "They cut the wires." I said,  
6 "Your fans aren't working." He said, "Well, they're  
7 supposed to come back and do them." And I said, "Okay."  
8 So I told Mel. He said, "Well, they're supposed to come  
9 back in and fix that." I said, "Okay." Because the  
10 contractor did it, that's not my responsibility. They  
11 were supposed to do it.

12 So I kept going back. Finally I started  
13 write -- making work orders, because I thought, you know,  
14 I'm going to cover myself because I'm not going to take  
15 the blame for this if something happens, because with all  
16 the humidity -- because they had a pool in there, which  
17 was at 86 degrees, indoor pool, they put two spas in there  
18 at 102 degrees, kept the room temperature at 86, I had to  
19 keep the humidity level at 60 because we had spiral pipe,  
20 which is uninsulated. And with the chiller it would rain  
21 in there. The water would drip off. So they didn't want  
22 the water dripping off, so that thing would run and run  
23 and run.

24 But that's how I had to do that, but I told  
25 Paul. And then I did the work orders -- two, three or

1 four of them. And the original one was a pink one, that  
2 went to the supervisor, which was Paul Ha- -- Paul Hanson.  
3 And the yellow one went to Mel. And the white one went to  
4 Bill Collier. And those were the work orders.

5 And I don't know --

6 Q. What do these work orders say?

7 A. It's just -- on the maintenance ones you didn't  
8 have to fill a work order out. But if it was something  
9 that you worked on, like, if it was a problem -- because  
10 you had to buy stuff sometimes --

11 Q. Okay.

12 A. -- and put hours on it. You had to account for  
13 your time. And you'd put down what you did, what it was,  
14 and all that. And I put it down there, you know, these  
15 are not working. There's no power to them. Still no  
16 power, and I turned them in. Because I thought -- you  
17 know, because they sit around and kind of blame people for  
18 things that are not their fault.

19 And that had nothing to do with that. And  
20 they kept telling me they were going to fix them, they're  
21 going to fix them. As far as I know when I left they  
22 still weren't fixed.

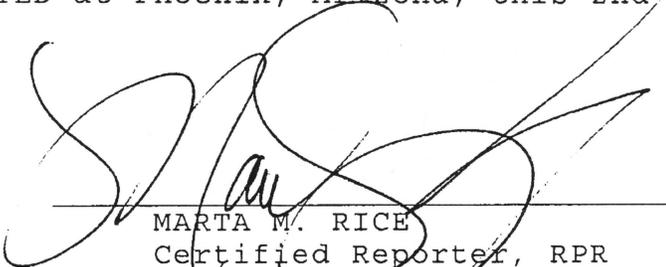
23 Q. How often would you have checked them between the  
24 time you realized the power lines were cut until you left  
25 your employment?

1 STATE OF ARIZONA )  
 ) ss.  
 2 COUNTY OF MARICOPA )

3 BE IT KNOWN that the foregoing deposition was taken  
 4 by me pursuant to stipulation of counsel; that I, MARTA M.  
 5 RICE, a Certified Reporter in the State of Arizona, and by  
 6 virtue thereof authorized to administer an oath; that the  
 7 witness before testifying was duly sworn by me to testify  
 8 to the whole truth; that the questions propounded by  
 9 counsel and the answers of the witness thereto were taken  
 10 down by me in shorthand and thereafter reduced to print by  
 11 computer-aided transcription under my direction; that the  
 12 foregoing 42 pages are a full, true and accurate  
 13 transcript of all proceedings and testimony had and  
 14 adduced upon the taking of said deposition, all to the  
 15 best of my skill and ability.

16 I FURTHER CERTIFY that I am in no way related to nor  
 17 employed by any of the parties hereto, nor am I in any way  
 18 interested in the outcome hereof.

19 DATED at Phoenix, Arizona, this 2nd day of December,  
 20 2007.



21  
 22 \_\_\_\_\_  
 23 MARTA M. RICE  
 24 Certified Reporter, RPR  
 25 Certificate No. 50746