

RED HILL VALLEY PARKWAY INQUIRY

TRANSCRIPT OF PROCEEDINGS  
HEARD BEFORE THE HONOURABLE just. WILTON-SIEGEL  
held via Arbitration Place Virtual  
on Tuesday, June 28, 2022, at 9:33 a.m.

VOLUME 39

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Rachel Laurion For Dufferin Construction

Jennifer Roberts For Golder Associates

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EXAMINATION BY MS. LECLAIR

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1 Arbitration Place Virtual

2 --- Upon resuming on Tuesday, June 28, 2022,

3 at 9:33 a.m.

4 MS. LECLAIR: Good morning,  
5 Commissioner. The first witness today is Michael  
6 Becke. I've just been informed by counsel to the  
7 City that the location where the witness is  
8 testifying from is experiencing a fire alarm, so I  
9 propose we adjourn until 10:00 a.m. this morning  
10 accordingly.

11 JUSTICE WILTON-SIEGEL: Okay.  
12 Thank you. Then we'll stand adjourned until 10:00  
13 in the hopes that the witness will be available at  
14 that time. Thank you.

15 --- Recess taken at 9:34 a.m.

16 --- Upon resuming at 10:01 a.m.

17 MS. LECLAIR: Good morning,  
18 Commissioner. I believe the issue has been  
19 resolved and we are ready to proceed. The first  
20 witness today is Michael Becke. If the court  
21 reporter could please affirm Mr. Becke.

22 MICHAEL BECKE; AFFIRMED

23 MS. LECLAIR: Commissioner,  
24 may I proceed?

25 JUSTICE WILTON-SIEGEL: Yes,

1 please do.

2 EXAMINATION BY MS. LECLAIR:

3 1 Q. Good morning, Mr. Becke.

4 My name is Shawna Leclair and I am commission  
5 counsel. I would like to start with some  
6 questions about your professional background.

7 You've worked at the City of  
8 Hamilton since 2004. Is that correct?

9 A. Correct.

10 2 Q. And what roles have you  
11 held since 2004?

12 A. 2004, I started with the  
13 City in the development department as an  
14 inspector. Shortly after that, I became a project  
15 manager in the development department. In 2009, I  
16 then moved over to the Public Works department in  
17 the design section of engineering services as a  
18 project manager. And then in early 2016, around  
19 February, I took on a temporary role as a senior  
20 project manager in the design section. Shortly  
21 thereafter, about a year after that, I became  
22 permanent in that position and now currently I'm  
23 in an acting role as acting manager of the design  
24 section.

25 3 Q. And how long have you

1       been in the acting manager of design role?

2                               A.     The acting manager of  
3       design, I've been here since March.

4       4                           Q.     March of this year?

5                               A.     Of this year, yes.

6       5                           Q.     Thank you.   And if you  
7       could describe your day-to-day tasks and your  
8       roles in the beginning in 2009, so the project  
9       manager design role?

10                               A.     Sure.   So, as a project  
11       manager in design, we have a number of projects  
12       that we're working on throughout the year.   The  
13       engineering services delivers anywhere between 40  
14       and 60 projects a year throughout the various  
15       design teams, so as a project manager, we're  
16       provided with a number of projects that we can  
17       work on throughout that year.   They can be various  
18       types:   Shave and paves, road rehabilitations,  
19       road reconstructions, underground services,  
20       culverts, bridges, retaining walls, those sorts of  
21       things, all work within the right-of-way.

22       6                           Q.     Okay.   And who did you  
23       report to in this role from 2009 to 2016?

24                               A.     As a project manager, I  
25       reported to Chris McCafferty, who was the senior

1 project manager at the time. And Susan Jacob was  
2 the manager at the City of engineering services.

3 7 Q. Okay. And did you have  
4 any direct reports as project manager?

5 A. So, not a direct report.  
6 We work as a team. As a project manager, we have  
7 a project manager and a design technician that  
8 works with us, so we kind of work with a team.  
9 Both report to the senior project manager.

10 8 Q. Okay. And then moving  
11 forward to 2016 until earlier this year when you  
12 were in your project manager design, who did you  
13 report to in that role?

14 A. So, as a senior project  
15 manager, I then reported to Susan Jacob, the  
16 manager of design.

17 9 Q. Okay. And did you have  
18 any direct reports in that role?

19 A. Yes, yes. So, in that  
20 role, all of the staff beneath me technically  
21 reported to me. So, as a senior project manager,  
22 there was about at the time 25 staff that were  
23 reporting to me.

24 10 Q. Okay. And did you report  
25 directly or indirectly to the director of



1 engineering role as senior project manager?

2 A. Not directly. Maybe  
3 indirectly we would deal with the director of  
4 engineering, yes.

5 11 Q. Okay. And that was  
6 Mr. Moore and later Mr. McGuire?

7 A. Correct.

8 12 Q. Okay. And who did you  
9 currently report to as acting manager?

10 A. So, as acting manager,  
11 I'm currently reporting to the acting director,  
12 Susan Jacob.

13 13 Q. Okay. And looking  
14 primarily at the project manager and senior  
15 project manager roles, what do those roles involve  
16 with respect to the RHVP and roads more generally  
17 in Hamilton?

18 A. Sorry, just so I  
19 understand, you want both the project manager's  
20 role and the senior project manager's role? Is  
21 that what you're asking for?

22 14 Q. Sure. Any ways that  
23 they're similar or if there's anything distinct  
24 between the roles, that would be helpful as well.

25 A. Okay. So, the project

1 manager basically runs with the project. When a  
2 project, like a shave and pave, becomes a project  
3 through the scoping documents, the project manager  
4 is the person that ultimately runs that project in  
5 engineering services, in the design section once  
6 it comes to us. So, there's a scoping portion,  
7 budgeting portion that's done before it comes to  
8 us. We deal with the design and put it out to  
9 tender.

10 As the senior project manager,  
11 I oversee all the different teams and I provide  
12 help, support, guidance, if there's staffing  
13 concerns, those sorts of things, to the project  
14 managers to make sure they are able to function  
15 and do their jobs.

16 15 Q. As a senior project  
17 manager, were you responsible for any specific  
18 projects or was that left more to the project  
19 manager level?

20 A. There's so much work that  
21 happens. It's tough to handle projects on a  
22 regular basis. There may be the odd project we  
23 might take on, but for the most part just because,  
24 you know, of the 25 different staff and trying to  
25 put out about, I said 40 to 60 projects a year,

1       there's just too much work to do as the senior  
2       project manager with all those projects that are  
3       happening to manage also your own projects at the  
4       same time.

5   16                           Q.    And how did the senior  
6       project manager role differ from the manager of  
7       design and director of engineering services role?

8                           A.    So, the senior project  
9       manager is a little bit more hands-on with the  
10      staff. We provide, you know, guidance in some of  
11      those decision-making processes. When it comes to  
12      questions and stuff, we provide, you know, senior  
13      leadership to the teams. When it comes to various  
14      things, we might sit in on meetings if there's a  
15      lot of discussion happening that may need, again,  
16      some back up or support sort of thing.

17                           Where the manager, similar,  
18      the manager does that as well, but then they also  
19      take it to the next level where they're managing  
20      not just the teams and helping support, but they  
21      also may take, you know, issues that need to be  
22      brought up to the senior leadership or taken up to  
23      the directors sort of thing. That's what the  
24      manager role would be.

25   17                           Q.    Okay. And what was your

1 professional experience prior to joining the City  
2 in 2004?

3 A. So, prior to 2004, I was  
4 working in consulting. I worked with Trow  
5 Consulting Engineers when I first left university,  
6 and I also worked at McCormick Rankin for a short  
7 period of time.

8 18 Q. And was that consulting  
9 experience related to roads or was it similar in  
10 nature to the work that you did as a project  
11 manager and later senior project manager?

12 A. So, when I was at Trow  
13 Consulting Engineers, I did work with the building  
14 science group, so -- actually, we were a small  
15 office, so I did a number of different things. I  
16 did building science, geotechnical, as well as  
17 worked on some of the highway projects as well as  
18 a -- I helped in the office on those highway  
19 projects.

20 19 Q. So, if I understand  
21 correctly, you had some experience prior to  
22 joining the City with highways and roads, but it  
23 wasn't -- that wasn't exclusively what you worked  
24 on?

25 A. It was contract

1 administration work I was doing.

2 20 Q. Okay. If you could take  
3 tell me about your educational background?

4 A. Sure. I went to college  
5 right after high school, Conestoga College, for a  
6 civil engineering technologist. And then when I  
7 finished college at Conestoga, I went to McMaster  
8 University and got my Bachelor's in engineering.

9 I finished at Mac in 2019. I  
10 had one course to pick up that I completed in  
11 2000, so I technically graduated in 2000.

12 21 Q. And I understand you're a  
13 professional engineer. Is that correct?

14 A. That's correct, yes.

15 22 Q. And when did you first  
16 become a professional engineer in Ontario?

17 A. I got my licence in 2008.

18 23 Q. Sorry, was that 2000 or  
19 2001?

20 A. 2008.

21 24 Q. Oh, 2008. Okay. And are  
22 you licensed in any other jurisdictions?

23 A. No. Only Ontario.

24 25 Q. Okay. And could you  
25 explain what your group, so design, what it's

1 responsible for within engineering services?

2 A. So, as I mentioned  
3 before, we do sewer water, road design, we deal  
4 with bridges, culverts, road resurfacings, basic  
5 civil engineering within the road right-of-way.

6 26 Q. Okay. And how do the  
7 different groups within engineering services work  
8 together?

9 A. So, again, the asset  
10 management group, as it was called at the time,  
11 they dealt with the stakeholders and the budgeting  
12 and basically pulled together the scopes from the  
13 various inputs. That scope would then be  
14 presented into the CPMS, which is our capital  
15 project management system. If there's budget, we  
16 would move forward with the project in the design  
17 process. Depending upon the project, it was  
18 internal design or we would use consultants to  
19 help us with those designs depending on staffing  
20 and complexities. And then we would take it to  
21 tender. Our contracts group is also part of  
22 engineering services. They are under the design  
23 section. They then put the tenders out to the  
24 public or the contractors to bid on. Once the  
25 contracts are awarded, then the construction

1 section of engineering services takes over and  
2 basically takes it to completion.

3 27 Q. Okay. And how does  
4 engineering services fit within the broader Public  
5 Works department? How does it relate to other  
6 divisions that may have some role in roads?

7 A. So, engineering services  
8 deals with the capital program, so basically  
9 projects that have been sorted out over a long  
10 period of time. We have a five-year schedule.  
11 There's a ten-year schedule of projects that we  
12 were looking at that come to us. Again, those  
13 could be from master plans, they could be from,  
14 you know, just time for repairs and stuff like  
15 that, depending upon what it is.

16 So, we fit in within the road  
17 right-of-way basically, is what we do. Anything  
18 between property line to property line is covered  
19 through our work. We don't do maintenance work,  
20 so pothole repair, crack sealing or, you know,  
21 concrete sidewalk repairs. Those sorts of things  
22 are handled through the maintenance section.

23 They also dealt with traffic  
24 safety, they dealt with providing scope to the  
25 asset management group for the projects. As well

1 in Public Works, we then have Hamilton Water and  
2 Hamilton Water does your linear systems and your  
3 vertical systems basically, so they deal with some  
4 of their underground piping, towers, pump  
5 stations, they're basically done through the  
6 Hamilton water section.

7 28 Q. Thank you. Registrar, if  
8 we could call up overview document 5, pages 29 and  
9 30.

10 Mr. Becke, while the registrar  
11 is pulling that up, I understand that you had some  
12 involvement in the resurfacing of the LINC that  
13 ultimately occurred in 2011. Is that correct?

14 A. That's correct, yes.

15 29 Q. And what was your role on  
16 that project?

17 A. So, I was the project  
18 manager for that project. I worked with Ludomir  
19 Uzarowski on that project. The project itself was  
20 pretty straightforward. It was a shave and pave.  
21 A lot of the project involvement was scheduling  
22 and coordination with the MTO, because we had to  
23 shut down some ramps and stuff like that, as well  
24 as coordination, communication aspects of it, and  
25 that was in 2011 that that project was put out for



1 tender and constructed.

2 30 Q. And who else from your  
3 group, design, was involved in the project?

4 A. It would have been my  
5 design tech that I was working with. I think at  
6 that time that was Claudio Leon, and myself. And  
7 then, like, in design, that would be us as a team.  
8 Obviously, you know, the senior project manager  
9 and the manager are both aware of the projects  
10 that I'm working on.

11 31 Q. Okay. And who was the  
12 lead on that project?

13 A. The project manager would  
14 be the lead, so that would have been myself.

15 32 Q. And had you worked with  
16 Dr. Uzarowski before this project?

17 A. No. This is the first  
18 time.

19 33 Q. So, just looking at  
20 paragraph 67 on the left-hand side, this is an  
21 e-mail exchange from December 6, 2010. Was this  
22 when you first communicated with Dr. Uzarowski, to  
23 your knowledge, or around this time?

24 A. I guess, yes.

25 34 Q. And, to your knowledge,

1       who at the City was primarily responsible for  
2       communicating with and providing instructions to  
3       Golder for this project?

4                   A.    I don't remember who the  
5       original roster assignment was set up through, but  
6       I was dealing with Dr. Uzarowski during that time.

7   35               Q.    Okay.  And, to confirm,  
8       this was a roster assignment?

9                   A.    I believe so, yes.

10  36               Q.    And, Registrar, if we can  
11       just take down that call out and if you can call  
12       out paragraph 68.  Actually, Registrar, it might  
13       be easier if we go to the underlying document  
14       itself related to this paragraph.  It is HAM51409.  
15       Thank you very much.  And the first e-mail in this  
16       chain, it splits slightly over the pages, so the  
17       detail on the sender and the date is at the bottom  
18       of the first image and then it flows on to the  
19       second page.

20                   And so, you'll see on  
21       December 7, 2010, you sent an e-mail to who appear  
22       to be representatives of utility companies  
23       regarding the LINC resurfacing.  How was the  
24       decision to resurface the LINC made, to your  
25       knowledge?

1                   A.    That would have come  
2    through our asset management group at that time.

3    37               Q.    Okay, so you were not  
4    involved in --

5                   A.    No.

6    38               Q.    -- that decision? Okay.  
7    Did you understand it to be based on timing or  
8    were there any triggers for that resurfacing or is  
9    that not something you --

10                  A.    That's not something I  
11    would have been -- I was fairly new at this time  
12    to the Public Works department.

13    39               Q.    Okay. And on the  
14    left-hand page in the middle of the page, Bryan  
15    Towers responded to your e-mail asking about the  
16    asphalt mix that was to be placed. You advised 50  
17    millimetres of SP12.5 FC2 and that you had a  
18    meeting with the consultant to review the proposed  
19    mix, so it was subject to change.

20                  The consultant that you're  
21    referring to, is that Golder?

22                  A.    I assume so.

23    40               Q.    Do you recall if the  
24    meeting on Thursday you're referring to was with  
25    Dr. Uzarowski?

1 A. I assume so. It's quite  
2 some time ago.

3 41 Q. Okay. So, you don't have  
4 a recollection of that meeting, if I understand --

5 A. I don't have a -- no, I  
6 do not.

7 42 Q. Okay. And Mr. Towers  
8 responded and asked what the friction/stability  
9 numbers are compared to other options/mixes. Do  
10 you know what friction/stability numbers  
11 Mr. Towers was referring to in this e-mail?

12 A. I do not.

13 43 Q. Was friction a concern at  
14 this time or was it something that you were  
15 discussing?

16 A. I don't know.

17 44 Q. At this time, did you  
18 have any experience or expertise in friction or  
19 analyzing friction numbers?

20 A. No.

21 45 Q. Do you now have that  
22 expertise or experience? Is that something you're  
23 familiar with?

24 A. In relation to what?

25 Sorry.

1 46 Q. Do you have any  
2 familiarity with friction testing or analyzing  
3 friction numbers?

4 A. No. I'm not experienced  
5 in that.

6 47 Q. Do you have any  
7 recollections regarding this exchange with  
8 Mr. Towers?

9 A. I do not.

10 48 Q. And do you recall any  
11 other discussions relating to friction in context  
12 of the LINC resurfacing?

13 A. No, I do not.

14 49 Q. Okay. I would like to  
15 move forward in time to October 2013. Registrar,  
16 if we can call up HAM23413 and, if possible, if we  
17 could have image 3 on the left and image 2 on the  
18 right.

19 THE REGISTRAR: There's only  
20 two images for this one.

21 MS. LECLAIR: You only have  
22 two images for that, okay. No problem. Okay.

23 BY MS. LECLAIR:

24 50 Q. So, in October 2013, you  
25 were included on an e-mail sent by Alan Jazvac,

1 who was responding to an e-mail he received from  
2 Stephen Cooper regarding the timing of resurfacing  
3 on the RHVP. I'll just give you a moment to  
4 review the e-mails.

5 A. Okay.

6 51 Q. So, at this time, in  
7 October 2013, do you recall any discussions  
8 regarding resurfacing of the RHVP?

9 A. No, I don't.

10 52 Q. And in Mr. Jazvac's  
11 e-mail, which starts at the bottom of the image on  
12 the left and continues at the top on the right, he  
13 suggested that the RHVP would be resurfaced around  
14 2021. Do you know if he was estimating or, to  
15 your knowledge, was that planned or contemplated  
16 at that time?

17 A. I don't know.

18 53 Q. Okay. And to your  
19 knowledge, what was intended to be the trigger for  
20 RHVP resurfacing? Timing? Condition?

21 A. Are you asking at this  
22 time or are you asking me now?

23 54 Q. Generally at this time,  
24 were you aware of what --

25 A. No.

1 55 Q. -- would trigger the RHVP  
2 resurfacing?

3 A. No.

4 56 Q. Okay. And Mr. Cooper  
5 replied indicating that he had asked because  
6 traffic was considering raised reflector pavement  
7 markings in this section and wanted to coordinate  
8 with a resurface project if there was one in the  
9 near future.

10 Did you know at this time, so  
11 October 2013, that Mr. Cooper was working on a  
12 safety assessment of the RHVP with CIMA?

13 A. No. No, I did not.

14 57 Q. Okay. And for your  
15 reference, the report that resulted from this work  
16 and what we refer to as the 2013 CIMA report. And  
17 I will call that up in a moment, but just before I  
18 leave this document, Registrar, if we could mark  
19 HAM23413 as the next exhibit. I believe that is  
20 107.

21 THE REGISTRAR: Noted,  
22 counsel. Thank you.

23 JUSTICE WILTON-SIEGEL: Just  
24 stop for a second there. It's not a big matter,  
25 but this was a document that was used in

1       yesterday's examination and was not treated as an  
2       exhibit.  It's not included in the overview  
3       document?

4                       MS. LECLAIR:  I don't believe  
5       that it is.  Let me just confirm that and clarify  
6       that for you.  I don't believe this is in the  
7       overview document.

8                       JUSTICE WILTON-SIEGEL:  Okay.  
9       I stand corrected.  The document that appeared  
10      yesterday has a different number.  It incorporates  
11      some of this e-mail, but it's a different  
12      document.  Okay.  So, what number is that?  
13      Exhibit 107?

14                      MS. LECLAIR:  Correct.

15                      JUSTICE WILTON-SIEGEL:  Okay.  
16      Thank you.

17                      EXHIBIT NO. 107:  E-mail  
18                      sent by Alan Jazvac,  
19                      HAM23413.

20                      BY MS. LECLAIR:

21      58              Q.  And, Registrar, if we  
22      could go to HAM41871.

23                      Mr. Becke, I would just like  
24      to take you to the cover page of the report in  
25      case it's helpful.  Do you recall if at this time,



1 around the fall of 2013, if you were aware of  
2 this?

3 A. No, I was not.

4 59 Q. Okay. Thank you.

5 Registrar, you can take that down.

6 In March of 2013, Golder  
7 Associates was retained to conduct three projects:  
8 The reactivation of RHVP instrumentation, PMPR  
9 phase 3, and a five-year evaluation of the  
10 condition of the RHVP, which resulted in what we  
11 refer to as the Golder report, but a draft report  
12 provided by Golder in 2014.

13 Were you aware of these  
14 projects at the time, so in March of 2013?

15 A. No.

16 60 Q. And I take it you were  
17 not involved in any of those projects?

18 A. No, I was not.

19 61 Q. And relating in  
20 particular to the last of the three that I  
21 described, the five-year evaluation of the  
22 condition of the RHVP, which we refer to as the  
23 Golder project, would that be the type of project  
24 that you would typically be involved in in your  
25 role as project manager at the time?

1 A. No.

2 62 Q. At the time, do you  
3 recall Mr. Moore ever discussing or telling you  
4 that he and Dr. Uzarowski were preparing a  
5 conference paper related to the five-year  
6 condition of the RHVP?

7 A. No.

8 63 Q. And the scope of the  
9 Golder project was expanded in the fall of 2013 to  
10 include friction testing. Were you aware of that  
11 at the time?

12 A. No, I was not.

13 64 Q. Okay. And were you aware  
14 of any discussions within Public Works relating to  
15 slippery conditions on the RHVP?

16 A. No.

17 65 Q. Is friction testing or  
18 analysis something that you typically would be  
19 included in at the time?

20 A. No, not normally.

21 66 Q. And at this time, so  
22 2013-2014, did you ever receive any friction  
23 testing results from anyone?

24 A. No.

25 67 Q. Were you aware that there

1       were any friction test results?

2                                   A.    No.

3   68                           Q.    We heard evidence from  
4       Mr. Jason Worrton that he recalled asking for RHVP  
5       friction testing results sometime in 2015 and that  
6       someone in engineering services advised him that  
7       he didn't need it and that they weren't going to  
8       share the report or the results.  He did not  
9       recall who provided that information to him, but  
10      identified that he worked with you on occasion and  
11      that it was possible that you gave him this  
12      information.

13                               Did you provide this  
14      information or similar information to Mr. Worrton?

15                               A.    No, I did not.

16   69                           Q.    Do you recall ever  
17      discussing RHVP test results with Mr. Worrton?

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

19   70                           Q.    And do you recall any  
20      discussion in engineering services at this time,  
21      so in 2015, about RHVP test results?

22                               A.    No.

23   71                           Q.    Okay.  And did you have  
24      any other involvement regarding the RHVP generally  
25      around this time or prior to approximately 2016?

1 A. No.

2 72 Q. Okay. Registrar, if we  
3 can go to overview document 7, page 119.

4 We're going to be moving  
5 forward in time to March of 2016. Just looking at  
6 paragraph 380, Derek Nunn from Norjohn reached out  
7 to you to schedule a meeting about scrub seal in  
8 late March 2016. What is scrub seal?

9 A. Scrub seal is a type of  
10 seal where they use brushes when they place a  
11 sealant down on the local or rural road. It  
12 helps, the brushes help, push the sealant that's  
13 used on the asphalt into the cracks. So, it was  
14 something that was being done in the States and  
15 has not been used up here and something that I  
16 believe Norjohn was looking at doing themselves.

17 73 Q. And to your knowledge,  
18 what's the intended result of the application of  
19 scrub seal?

20 A. The intended result is,  
21 as a normal sealant, you're sealing the very fine  
22 cracks that occur in your surface layer of  
23 asphalt, and the nice thing about the brushes is  
24 that because they provide -- they create a little  
25 bit of a barrier but also kind of push the

1 material into the larger cracks which provide a  
2 little bit better penetration of that sealant into  
3 the cracks.

4 74 Q. Okay. So, it relates to,  
5 you said, fine cracks on the surface?

6 A. Yeah. Your normal  
7 sealing does that for fine cracks.

8 75 Q. Okay. Thank you. And  
9 were you familiar with Mr. Nunn or had you worked  
10 with him previously at this time?

11 A. I don't remember. I may  
12 have met him at the asphalt preservation  
13 conference that I went to in Niagara Falls the  
14 previous year.

15 76 Q. That was in 2015, as I --

16 A. Correct.

17 77 Q. Okay. And did you  
18 understand the discussions related to scrub seal  
19 to relate to the RHVP?

20 A. No.

21 78 Q. They did not relate to  
22 the RHVP. Is that correct?

23 A. No. No, I wouldn't  
24 expect this application would be on a highway  
25 condition.

1 79 Q. And, Registrar, if you  
2 can close that, just the call out.

3 In the next paragraph, just  
4 looking at 381, why did you forward this to asset  
5 management at this time?

6 A. I thought it was a very  
7 interesting technology. Again, at that conference  
8 that I attended, it seemed like there was  
9 significant success on local and rural roads down  
10 in the States and considering, you know, crack  
11 sealing cross and stuff like that, I thought this  
12 was a great opportunity or a cool technology that  
13 might be useful on some of our local roads and  
14 rural applications.

15 80 Q. Okay. And you didn't  
16 have any particular projects in mind when you  
17 forwarded this e-mail. Is that correct?

18 A. No. Nothing in mind, no.

19 81 Q. And a meeting was  
20 ultimately arranged for April 27, 2016. The  
21 meeting was arranged in an e-mail exchange between  
22 Mr. Jazvac and Mr. Nunn. You weren't copied on  
23 those e-mails, but at this time, so late  
24 March/early April, were you aware of the meeting?

25 A. This meeting you're

1 talking about on April 27?

2 82 Q. Yes. So, just to  
3 confirm, were you aware in late March or early  
4 April that a meeting was arranged to discuss scrub  
5 seal specifically?

6 A. To discuss scrub seals?  
7 I think I was invited to a meeting.

8 83 Q. Registrar, if we can  
9 close that call out and if we can leave this  
10 image up and also open image 120.

11 And this is moving forward a  
12 few weeks in time to April 15, 2016, so I'm  
13 looking at paragraph 382 at the bottom of 119  
14 continuing to the top of 120. And on April 15,  
15 2016, Mr. Andoga e-mailed you and Ms. Jacob,  
16 copying Mr. Jazvac, Mr. McCafferty, Mr. Oddi and  
17 Mr. Sidawi. And I'll just let you review the  
18 e-mail.

19 A. Okay.

20 84 Q. Okay. And prior to  
21 receiving this e-mail on April 15, 2016, were you  
22 aware that the LINC and RHVP were being discussed  
23 for rehabilitation in 2017?

24 A. I don't believe so.

25 85 Q. Okay. And at this time,

1 did you understand rehabilitation to refer to  
2 resurfacing of the RHVP or to something else?

3 A. According to the e-mail  
4 you presented me, it was not resurfacing.

5 86 Q. And at this time, were  
6 you aware as to when this work had first been  
7 raised?

8 A. No.

9 87 Q. And would it be unusual  
10 for work of this nature to be first raised the  
11 year prior to its contemplated implementation?

12 A. The e-mail identifies  
13 that they wanted to do a trial section, I believe.  
14 Test section is what they say. So, we have looked  
15 at test sections before and that is done to see if  
16 it's an applicable process.

17 88 Q. So, you did not think  
18 there was anything unusual about the timing?

19 A. No.

20 89 Q. I see, okay. And,  
21 Registrar, if we can just call out the text of the  
22 e-mail, so the indented paragraph. Perfect.  
23 Thank you.

24 And, in the second sentence of  
25 the first paragraph, Mr. Andoga's e-mail included



1 the objective is to improve skid resistance of the  
2 RHVE. Do you know what was meant by that?

3 A. At that time, no.

4 90 Q. And, at this time, were  
5 you aware of any concerns about skid resistance on  
6 the RHVP?

7 A. No.

8 91 Q. Did you ask Mr. Andoga  
9 why he stated this as the objective?

10 A. I don't recall.

11 92 Q. At this time, did you  
12 have any discussions with anyone at the City about  
13 the need to improve skid resistance on the RHVP?

14 A. No.

15 93 Q. And what was your  
16 familiarity with skid resistance as a concept at  
17 this time?

18 A. Sorry, with respect to?

19 94 Q. Skid resistance testing  
20 generally. Was it something you were familiar  
21 with? I had asked you earlier in time in the  
22 context of the LINC resurfacing if you had any  
23 familiarity.

24 A. No.

25 95 Q. Had that changed by this

1 time?

2 A. No.

3 96 Q. Do you recall any

4 discussion of concerns regarding the condition or  
5 safety on the RHVP at this time?

6 A. No, I don't.

7 97 Q. Okay. And were you

8 provided with a copy of any reports related to the  
9 RHVP at this time?

10 A. No, I was not.

11 98 Q. Were you aware of any

12 complaints related to the RHVP around this time?

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

14 99 Q. And, Registrar, if we can

15 close this call out and if you could open  
16 paragraph 383.

17 In fact, I believe this was  
18 the paragraph that I had intended to refer to you,  
19 as this is the e-mail that you were provided. The  
20 content that I took you to is largely the same.

21 In this e-mail, Mr. Andoga  
22 refers to Miller Group and Norjohn. Why were  
23 Miller Group and Norjohn invited to provide a  
24 proposal for a rehabilitation strategy and test  
25 section?

1 A. I don't know. I was not  
2 part of that.

3 100 Q. Okay. And did you have  
4 any understanding regarding what the scope of  
5 those proposals were?

6 A. No, I did not.

7 101 Q. And, to your knowledge,  
8 was there any other -- was anyone else invited to  
9 submit a proposal, to your knowledge?

10 A. I don't know.

11 102 Q. Okay. And why was  
12 Mr. Andoga sending this to you and Ms. Jacob, to  
13 your knowledge? Was he expecting any action from  
14 either of you at this time?

15 A. I don't think he was  
16 looking for action. I assume it was more of an  
17 FYI.

18 103 Q. Okay. Registrar, if you  
19 can close that and if you can leave up image 120  
20 and also bring up image 121. Thank you.

21 And, at paragraph 384, the  
22 same day, you replied to Mr. Andoga writing:

23 "Interesting. Are we  
24 thinking microsurfacing?"

25 Mr. Andoga replied to you

1 writing, "Yes, sir." Why did you ask specifically  
2 about microsurfacing?

3 A. Again, it was something  
4 that was discussed at that conference that I had  
5 attended in 2015, so -- and I had never seen it  
6 done on a highway application.

7 104 Q. Okay. And did you think  
8 it would be appropriate for either the RHVP or the  
9 LINC at this time?

10 A. I wasn't familiar with  
11 the process, so I was not sure if it would be  
12 appropriate or not.

13 105 Q. Okay. And what in  
14 particular did you find interesting about the  
15 e-mail you received?

16 A. I wasn't familiar with  
17 the process, so I was -- I just found it  
18 interesting that that was something being looked  
19 at.

20 106 Q. Okay. And at this time,  
21 were you aware of whether or not there had been a  
22 previous recommendation for microsurfacing on the  
23 RHVP?

24 A. No.

25 107 Q. Great. And do you recall

1           having any discussions with anyone around this  
2           time regarding the rehabilitation needs of the  
3           RHVP and LINC?

4                                   A.     The RHVP, no.

5    108                           Q.     Okay.  And when I say the  
6           LINC, I mean outside of the resurfacing that you  
7           had been involved in prior, in 2011.  At this  
8           time, in 2016, were you involved in any  
9           discussions regarding rehabilitation for the LINC?

10                                A.     For the LINC, we had seen  
11           some cracking that was occurring earlier than we  
12           had anticipated, so we were keeping an eye on the  
13           LINC.

14    109                        Q.     And, Registrar, if we can  
15           go to HAM33919.  Thank you.

16                                And on April 25, you were one  
17           of the recipients to an e-mail from Mr. Andoga  
18           forwarding his discussions with Mr. Nunn.  To your  
19           knowledge, who made the decision to address  
20           pavement rehabilitation needs of the RHVP in 2017?

21                                A.     I'm not sure who made  
22           that decision.

23    110                        Q.     Would you have -- even if  
24           you don't recall a particular person, would there  
25           have been a particular group within engineering

1 services responsible for that?

2 A. Most likely our asset  
3 management group at that time.

4 111 Q. And we spoke about this a  
5 bit earlier when we were looking at Mr. Andoga's  
6 e-mail, which referenced the objective being skid  
7 resistance. At the time, was that your  
8 understanding of the objective or what did you  
9 understand the objective to be?

10 A. The objective for the  
11 microsurfacing, you mean?

12 112 Q. Or for the -- to address  
13 the pavement rehabilitation needs, so not  
14 necessarily microsurfacing specifically, but what  
15 was the objective in your view?

16 A. And, I'm sorry, for the  
17 LINC or for the Red Hill?

18 113 Q. For the Red Hill.

19 A. Sorry, because you had  
20 asked about the LINC, so I wanted to make sure I  
21 was providing -- I'm not sure. At that time, the  
22 LINC was on my mind about the premature cracking.

23 114 Q. Okay. So, you were not  
24 aware of any other objective for the pavement  
25 rehabilitation of the Red Hill, other than what

1 was included in the e-mails you received?

2 A. Correct, yes.

3 115 Q. And was there anything in  
4 particular in Mr. Andoga's e-mail that we just  
5 looked at a moment ago that prompted you to think  
6 microsurfacing in response? And I'm happy to call  
7 up that e-mail.

8 A. I mean, you're talking  
9 about my response to Rick when I said interesting?

10 116 Q. Sure. Registrar, why  
11 don't we go to that just for a moment. It's  
12 overview document 7, page 120 and 121.

13 A. Sorry, I just want to  
14 make sure I'm answering the question correctly.

15 117 Q. Of course. I'm happy to  
16 have the document up just to ground the question  
17 in time. And if we can actually call out 383 and  
18 384, just to give Mr. Becke more context.

19 And was there anything in  
20 particular in this e-mail that prompted you to say  
21 microsurfacing?

22 A. Probably just the fact  
23 that Norjohn did surface treatments, such as the  
24 scrub seal and microsurfacing.

25 118 Q. Okay. So, you were aware

1 that that was something that Norjohn --

2 A. Did. Yes, correct.

3 119 Q. Okay. And, Registrar, if

4 we can take that down and going back to HAM33919.

5 And you'll see in the e-mail  
6 from Mr. Andoga that you were forwarded there  
7 are -- his e-mail includes the attachments and the  
8 proposal attached originally by Mr. Nunn was  
9 included.

10 Registrar, if we can go to  
11 overview document 7, pages 119 and 120.  
12 Apologies, Registrar. If we could actually go to  
13 HAM33921, which I believe to be the attachment to  
14 the e-mail. Thank you.

15 The proposal makes reference  
16 to ultrathin bonded wearing course. What is  
17 ultrathin bonded wearing course?

18 A. It's a surface treatment.

19 120 Q. Okay. And what is its  
20 purpose?

21 A. It can be used for a  
22 number of things. I mean, I haven't used an  
23 ultrathin bonded wearing course in my professional  
24 time, so I know that it exists and that there is  
25 options for it. Typically it's used as an



1 overlay.

2 121 Q. Okay. And do you recall  
3 if, at this time, you reviewed the proposal  
4 attached to Mr. Andoga's e-mail?

5 A. I probably read it.

6 122 Q. Okay. And does ultrathin  
7 bonded wearing course improve friction or is that  
8 its intended use?

9 A. I don't know if that's  
10 its intended use. Again, I haven't used it  
11 specifically on any of the projects.

12 123 Q. Is it your understanding  
13 that it does improve friction?

14 A. I believe it can, yes.

15 124 Q. Okay. And, Registrar, if  
16 we can just call out the third paragraph beginning  
17 with BWC.

18 So, this includes:

19 "It extends pavement life  
20 by sealing the existing  
21 surface and greatly  
22 improves skid resistance,  
23 particularly in wet  
24 conditions."

25 At this time, were you aware

1           that there was a high proportion of wet surface  
2           condition collisions on the RHVP?

3                                   A.    No, I was not.

4    125                           Q.    And had you reviewed or  
5           were you aware of the RHVP collision history at  
6           this time?

7                                   A.    No, I had not.

8    126                           Q.    Okay.  To your knowledge,  
9           what other pavement needs would bonded wearing  
10          course address?

11                                  A.    Again, they can be used  
12          on local or rural road applications where you're  
13          constantly sealing up cracking and stuff like  
14          that.  And we've also -- they can be used on, I  
15          believe, cold in-place projects.  We haven't done  
16          that, but I understand they can be done on those  
17          projects as well.

18   127                           Q.    Okay.  So, I understand  
19          from your answer another pavement need that bonded  
20          wearing course would address would be crack  
21          sealing?

22                                  A.    Right, yeah.

23   128                           Q.    Okay.  And if we can just  
24          close that call out.

25                                  Why were you included in the

1 e-mail attaching this proposal at the time? What  
2 was your role with respect to RHVP rehabilitation?

3 A. I had not been involved.

4 Like, I had just started as the -- in the acting  
5 role or temporary role of the senior project  
6 manager, so I'm assuming I was invited because of  
7 that role.

8 129 Q. Okay. And, Registrar, if  
9 we can also call up HAM33919, which is the e-mail  
10 attaching the proposal.

11 So, there's a number of other  
12 Public Works staff, including Mr. Moore,  
13 Mr. Sidawi, Mr. Hughes, Mr. McShane, Mr. Perusin,  
14 Mr. Oddi and Mr. Jazvac. With respect to this  
15 project specifically, how were their roles similar  
16 or different to yours?

17 A. Sorry, who specifically  
18 are you asking? You named a lot of people there.

19 130 Q. I'm just trying to get a  
20 sense of if you had an understanding of why those  
21 individuals would have been copied at this time,  
22 if you understood what their roles, any of those  
23 copied on the e-mail, would have been with respect  
24 to RHVP rehabilitation?

25 A. I would only be

1 speculating as to why they were included.

2 131 Q. Okay. And of those  
3 included on the e-mail, to your knowledge, did any  
4 have expertise in pavement friction?

5 A. I'm not aware of any.

6 132 Q. When you say you're not  
7 aware of any, just to confirm --

8 A. I'm not sure if any of  
9 these individuals had experience in pavement  
10 friction.

11 133 Q. Okay. So, you're not  
12 sure either way whether or not they did?

13 A. I'm not sure.

14 134 Q. Okay. And in  
15 Mr. Andoga's e-mail, he said, the top e-mail, he  
16 said:

17 "FYI, for discussion at  
18 our meeting with Norjohn  
19 on Wednesday."

20 Wednesday, as referred to by  
21 Mr. Andoga, would have been April 27, 2016, the  
22 same day as the meeting that I had asked you about  
23 a bit earlier regarding scrub seal.

24 A. Okay.

25 135 Q. Was the meeting with

1 Mr. Nunn intended to address both scrub seal and  
2 bonded wearing course?

3 A. I don't remember  
4 specifically.

5 136 Q. Okay. And do you  
6 remember if the meeting was intended to discuss  
7 the RHVP in particular?

8 A. I don't. I can't recall  
9 specifically. I'm sorry.

10 137 Q. Do you recall if you  
11 attended this meeting?

12 A. I believe I did.

13 138 Q. Okay. Do you recall who  
14 else was present?

15 A. No, I don't remember who,  
16 everyone that was there.

17 139 Q. Do you recall anyone in  
18 particular, even if you don't recall all who may  
19 have attended, or are you not sure?

20 A. I'm not sure. Again, I  
21 would be speculating. I attend a lot of meetings,  
22 so to remember who was at every meeting would be  
23 very difficult.

24 140 Q. Okay. And do you recall  
25 what was discussed at this meeting?

1                   A.    The only thing I remember  
2            talking to Derek about at the meeting was just  
3            something that's always stuck in my mind was just  
4            about how the pavements under bridges react.  For  
5            some reason, that's the only thing from this  
6            meeting that I remember offhand.

7    141                   Q.    And what do you recall  
8            about how pavement --

9                   A.    Just the fact that under  
10           bridges, the asphalt tends to, because it's in the  
11           shade a lot and stuff like that, it's a little bit  
12           different in its -- how it -- its life tends to --  
13           compared to the other pavements that are exposed  
14           to the sun, because it's in the shade and stuff,  
15           it reacts differently.

16   142                   Q.    Okay.  And was this the  
17           first time that you became aware of that?

18                   A.    Yeah, yeah.  I had never  
19           heard that before.  That was interesting.

20   143                   Q.    And after the meeting on  
21           April 27, 2016, do you recall discussing RHVP  
22           rehabilitation or pavement treatments with respect  
23           to the RHVP?

24                   A.    I don't, no, not after  
25           this meeting.

1 144 Q. Okay. And were you  
2 involved in the decision of whether or not to  
3 proceed with Norjohn's proposal?

4 A. No.

5 145 Q. And to your knowledge,  
6 was bonded wearing course ultimately used on the  
7 RHVP?

8 A. I don't believe it was.

9 146 Q. And do you recall why  
10 it --

11 A. No. I don't know.

12 147 Q. Okay. Registrar, you can  
13 take those down and if you could take us to  
14 HAM858. If you can call up the second image as  
15 well. Thank you.

16 And this is an e-mail from  
17 March 1, 2017 that you were copied on with a  
18 number of others that was sent from Mr. Andoga to  
19 David Ferguson in the traffic group. You were not  
20 copied on the original e-mails or the initial  
21 e-mails further down the chain, but you would have  
22 received them as part of the e-mail that you  
23 received on March 1.

24 Registrar, if we can have  
25 images 2 and 3 open, please.

1                                   And in the e-mail from  
2           Mr. Andoga on February 24, Mr. Andoga wrote to  
3           Mr. White and Mr. Ferguson that asset management  
4           was proposing resurfacing the LINC and RHVP over a  
5           four-year period, with the RHVP in 2018 to 2019  
6           and the LINC in 2020 to 2021.

7                                   Prior to receiving this e-mail  
8           on March 1, 2017, were you aware of this proposed  
9           schedule?

10                                 A.    I don't recall.

11    148                         Q.    And between the meeting  
12           we just discussed with Norjohn in April 2016 and  
13           this e-mail, do you know why the scope of work on  
14           the RHVP changed from pavement rehabilitation to  
15           resurfacing?

16                                 A.    I don't know.

17    149                         Q.    Okay. Registrar, if we  
18           can call HAM26073. Okay. And, Registrar, if we  
19           can have images 2 and 3 to start.

20                                 I'll just let you review for a  
21           moment, Mr. Becke.

22                                 A.    Okay.

23    150                         Q.    Okay. So, considering  
24           the last document that we looked at was March of  
25           2017 and these e-mails are in June, so taking this



1 time kind of broadly from March to June 2017, what  
2 was your role or involvement regarding the  
3 resurfacing of the RHVP?

4 A. So, again, I was just the  
5 senior project manager at the time, so I would  
6 just be a support in that case for the project  
7 manager.

8 151 Q. Okay. So, you were not  
9 actively working on anything relating to the RHVP  
10 at this time?

11 A. No, not that I recall.

12 152 Q. Okay. Okay. And, having  
13 been involved in the LINC resurfacing back in  
14 2011, could you describe the similarities and/or  
15 differences to your knowledge in how those  
16 projects were initiated?

17 A. Sorry, initiated, you  
18 mean how they became a project?

19 153 Q. Yes.

20 A. Again, that would have  
21 come through our asset management group. I mean,  
22 how they come to that determination, I'm not part  
23 of that process.

24 154 Q. So, in both cases, for  
25 the LINC resurfacing that you were involved in in

1 2011 and for this project, you weren't involved in  
2 the initial discussions --

3 A. In the scoping, no. I  
4 was not involved in the scoping of those, no.

5 155 Q. Thank you. And would  
6 your group, design, be involved in establishing  
7 the scope of what would be included in  
8 resurfacing?

9 A. We may be asked a  
10 question or two, but, again, we're not -- that's  
11 not our involvement. Our process is once the  
12 scope had been flushed out, typically it comes to  
13 the design section to move forward with for the  
14 tender.

15 156 Q. Okay. And, Registrar, if  
16 we can now have images 1 and 2. Okay.

17 And you were copied on an  
18 e-mail from Ms. Jacob on June 12, 2017, so this is  
19 an e-mail in the middle of the page on the left,  
20 in which she wrote:

21 "Gary is working with  
22 John Mater, director of  
23 transportation, on this.  
24 Please don't act on the  
25 scope below until he has

1 cleared it."

2 Am I correct that Gary refers  
3 to Mr. Moore, as he was the recipient of the  
4 e-mail below, to your knowledge?

5 A. I would assume.

6 157 Q. Okay. And did you  
7 understand Mr. Moore to have involvement in  
8 establishing the project's scope?

9 A. I guess he was in  
10 discussions with the transportation section.

11 158 Q. Was that typical of his  
12 role or of engineering services more broadly, to  
13 be involved in discussions with other groups for a  
14 project of this nature?

15 A. I mean, there's a lot of  
16 discussions that happen at a director level that  
17 I'm not party to. As a senior project manager, I  
18 kind of -- the information filters down to us as  
19 required.

20 159 Q. Okay. But was there  
21 anything surprising when you received Ms. Jacob's  
22 e-mail indicating that Mr. Moore --

23 A. No.

24 160 Q. Thank you. Do you recall  
25 being aware of any debate between Mr. Moore and

1 Mr. Mater and the respective groups regarding the  
2 RHVP at this time?

3 A. I was not aware.

4 161 Q. Okay. And, from your  
5 perspective, was there good collaboration between  
6 the groups, being engineering services and  
7 traffic?

8 A. With respect to -- I'm  
9 sorry, with respect to what? I mean, we were  
10 constantly interacting because, you know, with  
11 just the nature of the work.

12 162 Q. I meant the question  
13 generally. Just in terms of your experience, was  
14 there good collaboration between the groups?

15 A. I would say collaboration  
16 has gotten better.

17 163 Q. And were you aware of any  
18 concerns when you say it has gotten better? At  
19 the time before it got better, were you aware of  
20 any concerns?

21 A. No. I mean, just more  
22 communication is more what I'm meaning.

23 164 Q. And did you ever have  
24 concerns about siloing of information or  
25 ineffective information sharing between the

1 groups?

2 A. I didn't have concerns.

3 I liked having that communication back and forth

4 so that information was provided.

5 165 Q. Okay. Thank you. And at

6 this time, so to about June 2017, were there any

7 actions items regarding the RHVP resurfacing on

8 your plate or were you waiting for the scope to be

9 confirmed by asset management before you're --

10 A. No. Sorry.

11 166 Q. No, go ahead.

12 A. We would have been

13 waiting for the scope to be completed.

14 167 Q. Okay. I'm just going

15 back for a moment regarding the collaboration

16 between groups. You mentioned in your response

17 that it got better. When would you say that it

18 got better?

19 A. It's been happening over

20 time. When I started in 2009, so as I've, you

21 know, through working with the City, communication

22 has gotten better over time.

23 168 Q. And in what ways would

24 you say it's improved?

25 A. We have an ongoing

1 coordination meeting and more people providing  
2 information with respect to the projects they're  
3 working on is now, you know, happening more.

4 169 Q. Okay. And, Registrar, I  
5 believe this document, so HAM26073, also needs to  
6 be marked as an exhibit, so that would be 108 by  
7 my count.

8 THE REGISTRAR: Sorry,  
9 counsel, I think this was marked yesterday.

10 MS. LECLAIR: My apologies.

11 THE REGISTRAR: I think it's  
12 106.

13 MS. LECLAIR: Yes. Okay.  
14 Thank you. My apologies. Thank you for  
15 confirming, Registrar.

16 BY MS. LECLAIR:

17 170 Q. Okay. I would like to  
18 move forward a few months in time.

19 Registrar, if we can go to  
20 overview document 8, page 16. Thank you. I'm  
21 looking at paragraphs -- actually, Registrar, if  
22 you could call out paragraphs 34 and 35, please.

23 And Mr. Andoga e-mailed you on  
24 November 16, 2017 under the subject line "Red Hill  
25 Core Samples." He wrote:

1 "Do we have any core  
2 information for the Red  
3 Hill? If so, send it to  
4 Gary please."

5 And you replied the same day  
6 writing:

7 "Not yet. They're still  
8 working on everything. I  
9 expect we will have  
10 something before  
11 Christmas."

12 Do you recall what core  
13 samples this referred to?

14 A. I don't know specifically  
15 to this request.

16 171 Q. Generally at this time,  
17 were you working on anything to do with Red Hill  
18 core samples?

19 A. I'm trying to remember.  
20 Is this specific to something? Like, is there...

21 172 Q. There's no more detailed  
22 information in this e-mail. To give you some  
23 context in terms of time, I understand that on  
24 November 24, 2017 Mr. Moore received a proposal  
25 from Dr. Uzarowski relating to the 2017 Golder

1 pavement evaluation that made reference to cores.

2 I will also take you to another document.

3 Registrar, if we can go to  
4 HAM52774. Sorry, 52774, Registrar. Thank you.

5 So, this is an e-mail exchange  
6 that begins first in August 2017, so a few months  
7 earlier, that makes reference to some pavement  
8 cores. Are these the cores that you were  
9 referring to in your e-mail exchange with  
10 Mr. Andoga in November?

11 A. Most likely then, yes.

12 173 Q. Okay. And I understand  
13 from your response to Mr. Norris at AME on  
14 October 3, 2017 that the cores you were directing  
15 Mr. Norris to remove were on the shoulder. Is  
16 that correct?

17 A. According to this e-mail,  
18 correct.

19 174 Q. Okay. And you wrote to  
20 Mr. Norris that you had been asked to turn the  
21 lane into a continuous lane. What was that  
22 referring to?

23 A. If I remember correctly,  
24 there is a portion of the LINC where it ties into  
25 the Red Hill where, just from the original



1 construction of the two, that it made sense to  
2 turn that area into a continuous lane, which it  
3 currently wasn't. So, we needed some pavement  
4 information for that shoulder to see what the  
5 structure of the asphalt was.

6 175 Q. And that would be the  
7 structure of the asphalt of the shoulder?

8 A. It would give us the  
9 pavement thickness as well as the granular  
10 thickness to the subgrade below.

11 176 Q. Okay. And did the  
12 reference to turning it into a continuous lane,  
13 did that relate to resurfacing of the RHVP?

14 A. I believe that was being  
15 discussed, yes.

16 177 Q. And, Registrar, I believe  
17 this document, HAM72774, needs to be marked, so  
18 this one would be Exhibit 108.

19 THE REGISTRAR: Noted,  
20 counsel. Thank you.

21 EXHIBIT NO. 108: E-mail  
22 exchange beginning  
23 August 2017, HAM52774.

24 BY MS. LECLAIR:

25 178 Q. And going back to

1 overview document 8, page 16.

2 So, I will come to the Golder  
3 proposal in a moment, but just so that I  
4 understand correctly, at this time, so  
5 November 16, 2017, were you aware of any core  
6 samples, other than what we had just looked at?  
7 Were you anticipating any core samples, other than  
8 the shoulder that we just discussed?

9 A. At this time, again, that  
10 would have been the only one I would have known  
11 of.

12 179 Q. Okay. And what was your  
13 involvement or had your involvement changed from  
14 what we have been discussing regarding the RHVP  
15 resurfacing?

16 A. Well, at the time  
17 specific to those cores, we were doing some -- we  
18 were looking at the LINC. That core was at the  
19 border of the LINC and the Red Hill and that was  
20 the reason why that core was taken.

21 180 Q. Okay. And were you  
22 actively involved in or working on anything  
23 relating to the resurfacing of the Red Hill at  
24 this time?

25 A. I can't remember if at

1           this time we were into the project yet or not. I  
2           don't know if the scope was completed yet at this  
3           time.

4   181                           Q.    Okay.  And when you're  
5           saying the scope, are you referring to the RHVP  
6           resurfacing?

7                                A.    Correct.

8   182                           Q.    Okay.  And, Registrar,  
9           can we go to HAM1042.  And this is an e-mail that  
10          you sent Dr. Uzarowski on October 4, 2017 and you  
11          wrote:

12                                "Further to our  
13                                conversation on Monday, I  
14                                believe you have already  
15                                received the invite for  
16                                our meeting next Tuesday.  
17                                And I was hoping we could  
18                                discuss the following  
19                                next week."

20                                Before getting into the items  
21           more specifically, do you recall having a  
22           conversation with Dr. Uzarowski at this time?

23                                A.    Specific to this e-mail,  
24           sorry?  Is that what you're asking?

25   183                           Q.    So, in your e-mail you

1 say "further to our conversation on Monday." Do  
2 you recall that conversation?

3 A. I don't recall that  
4 conversation. I'm sorry.

5 184 Q. And at number 4 of the  
6 list, you wrote:

7 "Asphalt for the Red Hill  
8 parkway resurfacing. I  
9 will get Sarath to come  
10 in to discuss this one  
11 with us."

12 What did that relate to?

13 A. I'm assuming to the  
14 pavement selection, but I don't know.

15 185 Q. You don't have a specific  
16 recollection --

17 A. I don't have a specific  
18 recollection to why I had that in that e-mail.

19 186 Q. Okay. And, Registrar, if  
20 we mark this as Exhibit 109.

21 THE REGISTRAR: Noted,  
22 counsel.

23 EXHIBIT NO. 109: E-mail  
24 from Mr. Becke to  
25 Dr. Uzarowski dated

1 October 4, 2017, HAM1042.

2 BY MS. LECLAIR:

3 187 Q. And, Mr. Becke, your  
4 e-mail makes reference to a meeting the following  
5 Tuesday. Do you recall if you attended that  
6 meeting?

7 A. I don't recall specific  
8 if I attended that meeting. I'm sorry.

9 188 Q. And, Registrar, if we can  
10 go to HAM61787 at image 164. Thank you.

11 And, Mr. Becke, are these your  
12 notes?

13 A. They look like my notes.

14 189 Q. Okay. And, Registrar, if  
15 you can just call out the note itself, just so  
16 that it's a little bit bigger. Thank you.

17 So, you'll see this note is  
18 dated October 10, 2017 and towards the bottom of  
19 the page there is "LINC/RHVP, 58E-28," I believe?

20 A. Mm-hmm.

21 190 Q. What does that refer to?

22 A. Well, this note is  
23 specific. What it looks like is we were talking  
24 about, if you look at the e-mail you showed me, we  
25 were talking about the MSCR asphalt grades. So,

1 I've written down here residential would be a  
2 58-28 asphalt PGAC grade, a MSCR grade asphalt.  
3 For collector, we would look at maybe using the S,  
4 which is a standard. The arterials would be an H  
5 or a heavy depending upon the type of arterial,  
6 and the V would represent a very heavy. And the  
7 then the E would be an extreme, something you  
8 would see on a highway. So, for in our case, the  
9 LINC or the RHVP.

10 191 Q. Okay. And do you think  
11 that, given that context, that these are notes  
12 from the meeting that was referenced in your  
13 e-mail? Is that possible?

14 A. I would assume so,  
15 because I think the top line of that e-mail stated  
16 the discussion on the MSCR or the MSCR graded  
17 asphalts, and that's what this is in relationship  
18 to.

19 192 Q. Okay. And, other than  
20 what's noted here, do you have a recollection of  
21 anything discussed with respect to the RHVP at  
22 that meeting?

23 A. I don't.

24 193 Q. Okay. Thank you,  
25 Registrar. You can close that. You can close the

1 document as well for a moment.

2 I understand that discussions  
3 surrounding hot in-place recycling in the context  
4 of the RHVP resurfacing began in or around  
5 November 2017, following the CTAA conference in  
6 Halifax.

7 Just before we continue,  
8 Registrar, I believe that last document, HAM61787,  
9 also needs to be marked. That would be 110.

10 THE REGISTRAR: Noted,  
11 counsel. Thank you.

12 EXHIBIT NO. 110:  
13 Mr. Becke's notes dated  
14 October 10, 2017,  
15 HAM61787.

16 BY MS. LECLAIR:

17 194 Q. Going back for a moment,  
18 so did you attend the CTAA conference in Halifax  
19 in November 2017?

20 A. No, I did not.

21 195 Q. And when did you first  
22 become aware the hot in-place recycling was being  
23 considered for the RHVP?

24 A. I honestly don't  
25 remember.

1 196 Q. Okay. Do you know why  
2 hot in-place recycling was being considered?

3 A. In general or are you  
4 asking specific to why it was being selected?

5 197 Q. Specific for why it was  
6 being considered for the RHVP.

7 A. I don't know specifically  
8 why that was selected.

9 198 Q. Do you know generally?

10 A. Generally, it's an  
11 environmentally friendly option as well as a cost  
12 savings option because you're using the existing  
13 asphalt as part of the resurfacing process. So,  
14 from a City point of view and what we do with most  
15 of our projects, we try to look at these  
16 environmental options as well as cost savings.

17 199 Q. Okay. And, Registrar, if  
18 we can go to overview document 8, pages 20 and 21.

19 Mr. Moore received a proposal  
20 from Golder for testing on the RHVP, including  
21 PSV, polished stone value, median texture depth  
22 and British pendulum testing on November 24, 2017,  
23 which he provided to you and to Mr. Andoga. For  
24 the purpose of the inquiry, we refer to the  
25 project as the 2017 Golder pavement evaluation, so



1           this would be what I'm referring to when I say  
2           that.

3                                   Thinking back to the  
4           November 16 e-mail with Mr. Andoga that we spoke  
5           about about the cores, to your knowledge, were you  
6           aware that a proposal was forthcoming from Golder  
7           at the time of that e-mail?

8                                   A.     The 16th e-mail, you  
9           mean?

10    200                           Q.     Correct.

11                                   A.     No, I was not aware.

12    201                           Q.     Okay.  So, did you first  
13           become aware of the assignment when you were  
14           provided the proposal from Mr. Moore?

15                                   A.     This would have been the  
16           first time I saw it.

17    202                           Q.     Did you review the  
18           proposal when Mr. Moore sent it to you?

19                                   A.     I would have gone through  
20           it.

21    203                           Q.     Okay.  And did you  
22           discuss the proposal or the assignment with  
23           Mr. Moore or Mr. Andoga after you received it?

24                                   A.     I honestly don't recall.  
25           This is the busiest time of the year for us in

1 engineering services. We're putting a lot of  
2 contracts out.

3 204 Q. Okay. And what was your  
4 understanding of the purpose of this assignment at  
5 the time?

6 A. We were just doing cores.  
7 That was all I really familiarized myself with. I  
8 don't -- other than what I had read at this time,  
9 I just knew we were doing cores.

10 205 Q. So, when you say we were  
11 just doing cores, to be clear, are you referring  
12 to the Golder pavement evaluation proposal?

13 A. The one that we're  
14 talking about?

15 206 Q. Correct.

16 A. The one that Gary  
17 forwarded on to me?

18 207 Q. Correct.

19 A. Yes.

20 208 Q. So, were you aware that  
21 in addition to cores, that there would be British  
22 pendulum testing, that there were other tests that  
23 were being performed, or were you only aware  
24 that --

25 A. So, when I was involved

1 here, I was trying to help coordinate traffic  
2 control and stuff like that. I was not involved  
3 in the actual sampling or anything that was done  
4 onsite.

5 209 Q. Okay. And did you have  
6 an understanding of why this assignment was being  
7 requested by the City at this time, what the  
8 purpose --

9 A. No.

10 210 Q. -- of the testing was?

11 A. I don't recall. Again, I  
12 would have read the e-mail that was sent, but I  
13 was quite busy and don't know if I took note.

14 211 Q. And you said you would  
15 have read the e-mail. Would you have read the  
16 proposal as well?

17 A. Most likely.

18 212 Q. Okay. And, in your view,  
19 was the project intended to provide the City with  
20 information on the current condition of the RHVP,  
21 or was it intended to provide information  
22 regarding the possibility of conducting hot  
23 in-place recycling on the RHVP, or both?

24 A. I honestly don't recall.

25 213 Q. Okay. And, at this time,

1 did you have any concerns regarding the condition  
2 or safety of the RHVP?

3 A. I did not.

4 214 Q. And, at this time, had  
5 anyone ever raised such concerns with you?

6 A. Not that I recall.

7 215 Q. So, at this time, late  
8 November into early December of 2017, did you  
9 understand whether the RHVP resurfacing was still  
10 on track to begin in 2018?

11 A. Honestly, I don't  
12 remember at that time. Again, we're so busy at  
13 this time of year, I don't recall what the  
14 discussions were.

15 216 Q. Okay. And the testing  
16 for the 2017 Golder pavement evaluation was  
17 conducted on December 6 to 7, 2017. Were you  
18 aware of this at the time?

19 A. Again, I only helped set  
20 up the traffic control. That was my level of  
21 involvement that I remember.

22 217 Q. Okay. Were you awaiting  
23 the results of the testing for anything you were  
24 directly working on?

25 A. No, I was not waiting on

1 any results.

2 218 Q. And, in context of this  
3 project, Ms. Rizvi at Golder expressed that the  
4 City faced an urgent safety issue with the RHVP.  
5 To be clear, you weren't copied on the e-mail I'm  
6 referring to. It is an internal e-mail to Golder,  
7 but I would like to ask you a few questions  
8 regarding your knowledge.

9 Were you aware of an urgent  
10 safety issue regarding the RHVP at this time?

11 A. No, I was not.

12 219 Q. Did you ever express  
13 something similar to anyone at Golder at this  
14 time?

15 A. No.

16 220 Q. And, to your knowledge,  
17 did anyone else at the City express that, either  
18 to you or to Golder?

19 A. Not that I'm aware, no.

20 221 Q. Commissioner, I see that  
21 we're one minute away from our morning break and  
22 I'm about to move on to a slightly different  
23 topic.

24 JUSTICE WILTON-SIEGEL: Okay.

25 MS. LECLAIR: I propose this

1 would be a good time for the break.

2 JUSTICE WILTON-SIEGEL: Okay.

3 Thank you. Then let's take our break and we'll  
4 stand adjourned until quarter to 12:00. Thank  
5 you.

6 --- Recess taken at 11:29 a.m.

7 --- Upon resuming at 11:46 a.m.

8 MS. LECLAIR: Commissioner,  
9 may I proceed?

10 JUSTICE WILTON-SIEGEL: Yes,  
11 please proceed.

12 MS. LECLAIR: Thank you.

13 BY MS. LECLAIR:

14 222 Q. Mr. Becke, before the  
15 break we were talking about the proposal and work  
16 related to the 2017 Golder pavement evaluation,  
17 and I understand and we spoke about that you had  
18 first worked with Dr. Uzarowski and Golder in 2011  
19 in context of the LINC resurfacing.

20 What was your understanding,  
21 if any, at this time, so in late 2017, regarding  
22 the work that Golder had done regarding the RHVP  
23 in the period post-construction but before the  
24 Golder pavement evaluation? Sorry, I think you're  
25 muted.

1 A. Sorry about that.

2 223 Q. No problem.

3 A. I'm not aware of

4 anything.

5 224 Q. Okay. So, you weren't

6 aware at the time of whether or not Golder had

7 done any work on the RHVP in that period. Is that

8 correct?

9 A. Like, in the period of

10 time of from 2011 to 2017?

11 225 Q. Or 2007, so from the --

12 A. Oh, from -- I was not

13 involved in any of that work.

14 226 Q. Okay. But were you aware

15 that there was work?

16 A. I was not aware, no.

17 227 Q. Okay. And what was your

18 understanding of work Golder had conducted for the

19 City or more broadly with respect to roads during

20 that same period? I should say apart from the

21 LINC resurfacing.

22 A. From 2007 to 2017?

23 228 Q. Correct.

24 A. They had -- I mean, they

25 were on our roster. I had only worked with

1 Ludomir on the LINC up until that point and then I  
2 hadn't worked with him really after that. Ludomir  
3 had done work on the asphalt with respect to the  
4 AC grades that we were moving over to. But,  
5 again, I wasn't involved in that, other than, you  
6 know, talking -- like, learning about the change  
7 from the PGAC to the MSCR grades.

8 229 Q. Okay. So, you were aware  
9 that Golder had done some work in terms of the  
10 City's asphalt program --

11 A. Yes. I understand now  
12 what you're asking. I'm sorry. Yes.

13 230 Q. No, that's fine. And had  
14 you ever received any reports that Golder authored  
15 during that period?

16 A. Directly from Golder, no.

17 231 Q. Or indirectly from  
18 anybody else?

19 A. I believe we had  
20 information, but that's all -- like, for instance,  
21 with the MSCR asphalt cement type changes and  
22 stuff like that, I had seen information and I  
23 attended a presentation on that.

24 232 Q. Okay. And have you  
25 reviewed any reports authored by Golder that had



1 any direct impact on the work that you were doing  
2 in that period or was it more for informational  
3 purposes?

4 A. It would have been for  
5 informational purposes.

6 233 Q. Okay. Thank you.

7 Registrar, if we can go to overview document 8,  
8 page 41.

9 And at paragraph 107, the  
10 overview document excerpts an e-mail from  
11 January 16, 2018, so moving forward a few weeks in  
12 time, that you were copied on. And in her e-mail,  
13 she wrote:

14 "RHVP rehabilitation was  
15 committed for a  
16 January 24 tender.  
17 However, the project is  
18 still in programming with  
19 scope, still being  
20 modified. The delay in  
21 the project should be  
22 communicated to the HAND  
23 Association and all  
24 internal and external  
25 parties, including

1 traffic, road operation,  
2 design. Design has  
3 reallocated its resources  
4 to project 1159."

5 What did you understand  
6 Ms. Jacob to mean the delay in the project should  
7 be communicated to the HAND Association and all  
8 internal and external parties, including traffic,  
9 road operations, et cetera?

10 A. Well, the project, the  
11 RHVP rehab project, was a significant project with  
12 regard to the amount of pavement that was going to  
13 be placed, so the HAND Association, which is the  
14 contractors' association, would have been  
15 interested in that work because the amount of  
16 asphalt that was going to be produced and placed  
17 on the roadway, as well as there's a lot of --  
18 with a project such as the Red Hill and the LINC,  
19 there's a lot of communication that's needed and  
20 there's a lot of precommunication, as I had  
21 mentioned earlier with the work on the LINC, we  
22 were having to communicate to the public, to  
23 various groups and all that sort of thing, which  
24 takes time.

25 234 Q. Okay. And Ms. Jacob

1 indicated that design had reallocated its  
2 resources to another project. Did you understand  
3 at this time that RHVP resurfacing had been  
4 deferred given the timelines, or was it still  
5 possible that construction could begin in 2018 at  
6 this time?

7 A. With the scope still  
8 outstanding, we could not have provided a tender  
9 that would have been able to construct that year.

10 235 Q. Okay. So, in your view  
11 based on this e-mail and the timing more  
12 generally, the resurfacing would need to be  
13 deferred. Is that correct?

14 A. Correct.

15 236 Q. And had you had any  
16 discussions regarding that prior to receiving this  
17 e-mail? Is that something you were already aware  
18 of?

19 A. I don't remember specific  
20 conversations. I'm sure there was a conversation,  
21 but I don't remember specific conversations.

22 237 Q. Do you remember generally  
23 that it was being discussed, the timing of  
24 resurfacing, at this time?

25 A. We would have been

1 talking about the delivery of the tender and those  
2 dates are -- as soon as those dates start to get  
3 impacted, then we see how it impacts the project  
4 as a whole. We do that with all of our projects.  
5 All of our projects, we're constantly looking at  
6 the tendering dates because of the timing in which  
7 those tenders go out impact the timing that  
8 construction has to construct the work.

9 238 Q. Is that your  
10 understanding of what Ms. Jacob was communicating  
11 in this e-mail, that based on the assessment of  
12 timing and with other projects, that that thinking  
13 had been happening for the timing of the  
14 resurfacing, at this time?

15 A. If I understand your  
16 question, yes. That would be my understanding.

17 239 Q. Okay. Registrar, if we  
18 can close that. Okay. And in the e-mail below,  
19 Mr. Sidawi replied to Ms. Jacob's e-mail and in  
20 the e-mail he wrote:

21 "As for RHVP, we will  
22 need to confirm if we're  
23 doing hot in-place and,  
24 if so, to defer  
25 construction until next

1 year."

2 Was your understanding at this  
3 time that regardless of whether hot in-place  
4 recycling or a traditional shave and pave were  
5 used to resurface the RHVP, that it would need to  
6 be deferred?

7 A. If the scope was still  
8 outstanding, we would have had to defer the work,  
9 yes.

10 240 Q. Okay. And did you  
11 understand -- you understood that the scope was  
12 still outstanding at this time. Is that correct?

13 A. My recollection is it was  
14 still outstanding.

15 241 Q. Okay. And did the  
16 decision of whether the City was going to pursue  
17 traditional shave and pave or hot in-place  
18 recycling affect your roles and your tasks at this  
19 time or did your role stay the same, that you were  
20 waiting for the scope to be confirmed?

21 A. Impact in what way? I'm  
22 sorry, I don't quite understand.

23 242 Q. Were you involved at all  
24 with the question of whether a traditional shave  
25 and pave or hot in-place recycling would have been

1 used to resurface? Were there any action items on  
2 your plate that you could not start as a result of  
3 that decision, or were there any items that you  
4 were working on in regard to that question, or  
5 were you waiting at this time for the scope to be  
6 established and then your work, if any, could  
7 proceed?

8 A. I mean, without the  
9 scope, it's hard to determine what is required, so  
10 that decision -- you know, having that decision  
11 made helps us make the determination on how to  
12 move forward.

13 243 Q. Okay. Thank you.  
14 Registrar, if we can go to HAM62426. And,  
15 Registrar, just before we get into the e-mail, I  
16 would like to mark this as the next exhibit, which  
17 I believe is Exhibit 111.

18 THE REGISTRAR: Noted,  
19 counsel. Thank you.

20 EXHIBIT NO. 111:  
21 Invitation with the  
22 subject line "Meet with  
23 Ludomir prior to the  
24 presentation," HAM62426.

25 BY MS. LECLAIR:

1 244 Q. Mr. Becke, Mr. Leon sent  
2 you an invitation with the subject line "Meet with  
3 Ludomir prior to the presentation." It was sent  
4 to you, Mr. Oddi, Tyler Renaud and Mr. Moore,  
5 and body of the invitation says:

6 "I just spoke to Ludomir  
7 and he suggested to meet  
8 prior to the presentation  
9 on Friday to go over a  
10 few things."

11 So, this calendar invitation  
12 suggests there were two meetings planned for  
13 February 23, 2018, a presentation and a meeting  
14 prior. Do you recall attending a presentation on  
15 February 23, 2018?

16 A. I don't remember  
17 specifically that meeting. Is there further  
18 information as to what the meeting was about?  
19 Because there was a number of meetings we had.

20 245 Q. I understand from  
21 Dr. Uzarowski's evidence that he gave a  
22 presentation to the City on that date relating to  
23 new asphalt specifications for the City.

24 A. Okay. The MSCR asphalt  
25 is that we were talking about earlier.

1 246 Q. Okay. And am I correct  
2 that that would relate to the new asphalt and not  
3 to the RHVP?

4 A. It relates to the asphalt  
5 as a whole, the asphalt cement. It's the way that  
6 the asphalt cement is called and tested. It's  
7 meant as the binder. Right? The asphalt cement  
8 is the binder that holds everything together.

9 247 Q. But that presentation, to  
10 your recollection, was not related to the RHVP?

11 A. No, it was not related to  
12 the RHVP.

13 248 Q. Registrar, if we can  
14 leave this up and also call up HAM1132. Okay.

15 So, after -- this is on  
16 February 28, 2018 -- so after the presentation on  
17 the 23rd, and you sent a calendar invitation for a  
18 subsequent meeting in March, which we'll discuss  
19 in a moment, and you wrote:

20 "Further to the  
21 presentation on Friday,  
22 we had a side discussion  
23 afterwards regarding hot  
24 in-place on the RHVP. It  
25 sounds like there would



1 be some challenges with  
2 this approach that we  
3 need to discuss moving  
4 forward."

5 Is the side discussion  
6 referred to here the additional meeting referred  
7 to in Mr. Leon's calendar invitation?

8 A. I don't recall.

9 249 Q. Okay. Do you recall  
10 having a side discussion on the 23rd?

11 A. With respect to which  
12 one? You've asked me if there was two.

13 250 Q. Right. So, in your  
14 calendar invitation, you wrote:

15 "Further to the  
16 presentation on Friday,  
17 Thanks, Ludomir, we had a  
18 side discussion  
19 afterwards regarding the  
20 hot in-place on the  
21 RHVP."

22 Do you recall that side  
23 discussion?

24 A. I don't remember the  
25 exact conversation, but I do remember having a

1 side discussion.

2 251 Q. Even if you don't  
3 remember exactly, do you recall what you  
4 discussed? You referenced some challenges with  
5 the approach.

6 A. Yeah. I don't think we  
7 got into details, just that there was challenges  
8 with the approach.

9 252 Q. Okay. And do you recall  
10 who was involved in that discussion?

11 A. I don't remember who was  
12 involved in that discussion.

13 253 Q. And if I understand your  
14 response correctly, you did not discuss any  
15 specific challenges?

16 A. I do not remember. I  
17 honestly just don't remember what we discussed  
18 specifically.

19 254 Q. Okay. And do you  
20 remember anything about the meeting more  
21 generally? Anything about the tone, anything like  
22 that?

23 A. The meeting that we had,  
24 you're talking about on the 23rd?

25 255 Q. Yeah, that you referred

1 to as a side discussion regarding hot in-place on  
2 the RHVP.

3 A. The tone? Is that what  
4 you're asking?

5 256 Q. Is there anything that  
6 stands out in your mind?

7 A. No, nothing stands out in  
8 my mind about that. No.

9 257 Q. I understand that  
10 Dr. Uzarowski replied to your calendar invitation  
11 that you originally sent on March 1. One moment.  
12 I just need to pull up the reference for this  
13 document.

14 Registrar, if we can go to  
15 overview document 8, page 69 and 70, please.

16 Apologies, Mr. Becke. It  
17 seems your e-mail was sent on February 28 and it's  
18 Dr. Uzarowski's reply on the 1st. And I'll let  
19 you review Dr. Uzarowski's reply. It starts at  
20 the beginning of page 69 and continues on to 70.  
21 I'm happy to call it out if that's helpful.

22 A. I can read it.

23 258 Q. Thank you.

24 A. Okay.

25 259 Q. And, in his e-mail, he

1 wrote he had contacted Pat Wiley, the president at  
2 EcoPave Recycling:

3 "Pat, there's a lot of  
4 HIR in BC and we'll  
5 likely be doing some HIR  
6 for MTO in the Thunder  
7 Bay area this year. Pat  
8 has never done HIR  
9 recycling of SMA and  
10 thinks this is perhaps  
11 not feasible. He's  
12 referenced the MTO  
13 guidelines that do not  
14 allow HIR of SMA. I have  
15 included below the  
16 statements from the MTO  
17 June 2015 guidelines on  
18 HIR for your  
19 information."

20 And the guidelines are  
21 excerpted below. Was this the challenge  
22 referenced in your calendar invite?

23 A. I believe so.

24 260 Q. Do you recall if that  
25 detail -- does that assist at all in your

1           recollection of that discussion? Do you recall if  
2           you were provided details regarding this or was  
3           the e-mail the first you understood in detail?

4                           A.    I mean, I don't remember  
5           a specific conversation that Ludomir and I had at  
6           that meeting where I prompted my e-mail, but I'm  
7           assuming that that's part of the discussion.

8   261                    Q.    Okay. And what was your  
9           familiarity with hot in-place recycling generally  
10          at this time?

11                          A.    I was not experienced  
12          with it at all.

13   262                    Q.    Okay. And what effect,  
14          if any, did Dr. Uzarowski's comment that Mr. Wiley  
15          thought HIR on SMA may not be feasible and also  
16          his comment that the MTO did not allow it on SMA,  
17          what effect did that have on the City's  
18          consideration for hot in-place recycling for the  
19          RHVP?

20                          A.    Sorry, just so I  
21          understand, what impact or with respect to what  
22          are you asking?

23   263                    Q.    So, Dr. Uzarowski made  
24          comments that his contact, Mr. Wiley, thought hot  
25          in-place recycling on SMA may not be feasible and

1           that the MTO did not allow hot in-place recycling  
2           on SMA and, at this time, the City was considering  
3           using hot in-place recycling on a pavement with  
4           SMA.

5                                   A.    Right.  Okay.  I  
6           understand now.  Yeah.

7   264                           Q.    Were there any  
8           discussions regarding that?  Were there any  
9           concerns from the comments made by Dr. Uzarowski?

10                               A.    Well, again, I think the  
11           reason for my meeting was to have that discussion  
12           and how it would impact our work that we were  
13           moving forward with.

14   265                           Q.    And do you recall any  
15           internal discussions between the time you received  
16           Dr. Uzarowski's e-mail, so March 1, and the  
17           eventual meeting on March 9?

18                               A.    I don't recall a specific  
19           conversation, no.

20   266                           Q.    Okay.  Do you recall if  
21           you discussed the matter further with  
22           Dr. Uzarowski?

23                               A.    I don't recall.  I'm  
24           sorry.

25   267                           Q.    Okay.  And were you

1 becoming more involved in the RHVP resurfacing  
2 project at this time?

3 A. Again, it was on our  
4 schedule of projects that we were working on.

5 268 Q. Okay. And going back,  
6 Registrar, to the invitation, HAM1132, for a  
7 moment.

8 You wrote in, as I understand  
9 it, the original invitation included the text  
10 beginning with "hi everyone" and that subsequently  
11 the invitation was modified to reflect a change  
12 and that's where the text in red comes from.

13 So, in the original text  
14 towards the bottom of the page in black, you wrote  
15 that you didn't want to push the meeting too far  
16 into March. Were you concerned regarding the  
17 timing of the decision for what resurfacing method  
18 to proceed with?

19 A. Yeah. I mean, yes. We  
20 would concerned with the delay of any of the  
21 projects. Any projects that I'm working on that  
22 could have delay impacts their delivery. And  
23 that's not just this project; that's all of our  
24 projects that we work on when we're trying to go  
25 to tender.

1 269 Q. Okay. And was the nature  
2 of that concern simply the timing or were you  
3 concerned for any other reason that the -- were  
4 you concerned about the timing for any other  
5 reason?

6 A. No. It would have just  
7 been the timing of trying to get everyone in the  
8 same place at the same time.

9 270 Q. Okay. And so, this  
10 meeting, as you can see, was ultimately scheduled  
11 for March 9, 2018. Do you recall attending the  
12 meeting?

13 A. I believe so, yes.

14 271 Q. Okay. Registrar, if we  
15 can go to page 76 of overview document 8, and then  
16 if we can also have HAM61788 at image 60 side by  
17 side.

18 Okay. So, the image on the  
19 right, Mr. Becke, are these your notes?

20 A. Yes.

21 272 Q. Okay. And were these  
22 notes taken before the meeting or during?

23 A. They would have been  
24 during the meeting.

25 273 Q. Okay. And do you recall



1 doing anything in particular to prepare for the  
2 meeting?

3 A. No, I don't remember  
4 anything in particular.

5 274 Q. And what was the purpose  
6 of the March 9 meeting, in your view?

7 A. I guess to discuss the  
8 hot in-place process and how it applied to the  
9 work we were doing.

10 275 Q. And who else attended the  
11 meeting?

12 A. I don't remember everyone  
13 that was there. I believe the people that were on  
14 the calendar invite came.

15 276 Q. Okay. Registrar, if we  
16 can go to HAM1132, if we can just replace the  
17 overview document image for a moment. Okay.

18 So, that included Mr. Oddi,  
19 Mr. Perusin, Mr. Andoga, Ms. Jacob, Dr. Uzarowski,  
20 Mr. Leon, Mr. Vala and Mr. Renaud. I believe  
21 that's everyone on this invitation. Do you recall  
22 anyone else being at that meeting?

23 A. Yes. I believe Gary was  
24 at the meeting.

25 277 Q. Mr. Moore?

1 A. Yeah, Mr. Moore. Yeah.

2 278 Q. Okay. And apart from  
3 Mr. Moore and those I listed, was there anyone  
4 else at the meeting, to your recollection?

5 A. I honestly don't recall.

6 279 Q. Okay. But you recall  
7 that those listed here were in attendance. Is  
8 that correct?

9 A. I believe so.

10 280 Q. Okay. And, Registrar, if  
11 we can call back up overview document 8, page 76.

12 Okay. Do you recall if you  
13 remained at this meeting for the entire duration  
14 or do you recall if you left early?

15 A. I don't recall leaving  
16 early.

17 281 Q. Okay. And do you recall  
18 if anyone left the meeting early?

19 A. I don't believe anybody  
20 left the meeting early.

21 282 Q. Okay. And Dr. Uzarowski  
22 recalled that Mr. Moore and Ms. Jacob left at some  
23 time before the meeting concluded. Do you have  
24 any recollection of that?

25 A. I don't.

1 283 Q. And before we turn to  
2 your notes in a bit more detail, do you remember  
3 anything about the tone of the meeting, the  
4 March 9 meeting?

5 A. With respect to?

6 284 Q. Is there anything that  
7 stands out in your mind in terms of the tone of  
8 the meeting or the mood in the room?

9 A. I mean, we were trying to  
10 determine what the work was going to be and how we  
11 were going to move forward with the hot in-place.

12 285 Q. Is there anything  
13 distinct in your view about that meeting? You  
14 mentioned that you had a lot of meetings at this  
15 time.

16 A. Yeah.

17 286 Q. Does that meeting stand  
18 out for any reason?

19 A. With respect to, like --  
20 sorry, I'm trying to figure out what you're --  
21 like, in general you're asking or --

22 287 Q. Yeah. I'm asking  
23 generally if anything stands out in terms of the  
24 tone of the meeting, or was it similar to any of  
25 the other meetings that you had attended?

1                                   A.    Well, I mean, I  
2           understand there was frustration with the --  
3           between Gary and Ludomir on this meeting because  
4           of the fact that they were talking about hot  
5           in-place and there was a possibility we couldn't  
6           do it.

7   288                           Q.    Okay.  And you mentioned  
8           frustration between Dr. Uzarowski and Mr. Moore.  
9           Do you recall the nature of that frustration or  
10          what either were expressing as their frustration?

11                               A.    I don't remember the  
12          specific conversation, but I know that they were  
13          back and forth as to, you know, why can't we do  
14          it?  We said we could do it and now we can't do  
15          it, that type of discussion back and forth.

16   289                           Q.    And those comments that  
17          you made, were those the type of comments that  
18          Dr. Uzarowski was making or Mr. Moore?

19                               A.    I don't remember the  
20          specifics as to who was saying what in that  
21          discussion.  I know that the conversation was  
22          between, going on between, the two of them and I  
23          was, like, watching what they were talking about  
24          and trying to figure out what was going to happen.

25   290                           Q.    So, I understand from

1 Dr. Uzarowski's response to the calendar  
2 invitation that he had raised some challenges, to  
3 use your word, to how you had described it. Was  
4 that what was being discussed? Was that the  
5 source of the frustration?

6 A. I believe so.

7 291 Q. Okay. And Dr. Uzarowski  
8 testified that he recalled the meeting as being  
9 angry with offensive language used. Do you recall  
10 that?

11 A. I don't remember specific  
12 words.

13 292 Q. Even if you don't recall  
14 specific words, do you recall more generally  
15 offensive language being used or the meeting --  
16 would you characterize it as angry?

17 A. Yeah. There was  
18 frustration, from what I recall, between Gary and  
19 Ludomir. But, again, I don't remember if there  
20 was swearing going on or directed at anybody  
21 specifically, but I do remember frustration. I  
22 remember that was kind of part of the discussion,  
23 was the frustration, it seemed.

24 293 Q. And I understand that  
25 Mr. Andoga testified that the meeting got a little

1 louder in the room and I believe he described it  
2 as stubborn bulls arguing in a conference room.

3 Is that consistent with your recollection?

4 A. That's an interesting way  
5 to put it. Okay.

6 294 Q. Do you recall if there  
7 was any yelling at the meeting?

8 A. I don't remember if there  
9 was yelling specifically in the meeting. I mean,  
10 my notes don't really reflect yelling or anything  
11 like that. Again, I remember it being animated.  
12 Frustration was kind of the back and forth between  
13 Gary and Ludomir.

14 295 Q. Okay. Were Dr. Uzarowski  
15 and Mr. Moore the two individuals who spoke  
16 primarily?

17 A. Yeah, what I remember.

18 296 Q. Okay. And do you recall  
19 anyone else at the meeting being involved in the  
20 discussions surrounding what you're describing as  
21 frustration?

22 A. I mean, I'm looking at my  
23 notes because I don't recollect specifically what  
24 happened there, so I would go to my notes. That's  
25 why I write things down. I write things down, you

1 know, to record sort of thing. I honestly don't  
2 remember the conversation specifics.

3 297 Q. Okay.

4 A. I remember frustration,  
5 is what I remember, between Gary and Ludomir.

6 298 Q. From what you do recall,  
7 the frustration, was there anything atypical about  
8 that?

9 A. Like, what do you mean by  
10 atypical?

11 299 Q. In terms of other  
12 meetings that you attended, was --

13 A. Between Gary and Ludomir  
14 or just in general?

15 300 Q. I guess starting more  
16 specifically between Gary and -- between Mr. Moore  
17 and Dr. Uzarowski. Had you been involved in any  
18 meetings where that was or that had occurred  
19 previously?

20 A. Not that I remember  
21 between Gary and Ludomir. I mean, you know, I  
22 don't remember the specific language that was  
23 said. I remember it just being animated and  
24 frustration.

25 301 Q. Okay. And I had asked

1       you more specifically about Dr. Uzarowski and  
2       Mr. Moore, but in terms of generally of meetings  
3       that you attended at this time in your role at the  
4       City, was the animation at the meeting or the  
5       frustration atypical in your view at all?

6                   A.    For this meeting, I guess  
7       I -- like, for this meeting, atypical, like,  
8       something that doesn't happening on a regular  
9       basis is what you're asking, I'm assuming?

10    302            Q.    Correct. Does the  
11       meeting stand out in that respect?

12                   A.    Yeah, I guess the meeting  
13       stood out in that respect.

14    303            Q.    Okay. So, turning to  
15       your notes, so on the right-hand side there's the  
16       handwritten note, which we've transcribed into the  
17       overview document, so I have them side by side to  
18       the extent it's helpful.

19                   So, just to begin, the content  
20       below the line that I believe says "foam asphalt &  
21       PGAC with MSCR," does that relate to this meeting  
22       or does that relate to something else?

23                   A.    I believe it relates to  
24       something.

25    304            Q.    Okay. And then



1 everything above the line, would that refer to the  
2 March 9, 2018 meeting?

3 A. That's correct. My  
4 typical way of taking notes is, after meetings, if  
5 something else happens below, I'll put a line so I  
6 know where something begins and ends.

7 305 Q. Okay. And the first  
8 three bulleted lines appear to relate to the  
9 process of using hot in-place recycling on SMA.  
10 Do you recall the discussion related to those  
11 three items or those three bullets, rather?

12 A. The specific discussion,  
13 I don't. The gist of the discussion, I remember  
14 talking about.

15 306 Q. What generally do you  
16 recall?

17 A. So, generally the  
18 discussion went that it could be possible to,  
19 instead of going SMA to SMA, we could go SMA to a  
20 different asphalt, such as a 12.5 FC2.

21 307 Q. And do you recall any  
22 frustration relating to this discussion?

23 A. No. I think that came  
24 from the original discussion about whether or not  
25 you could cold in-place the SMA. Or hot in-place,

1           sorry. Hot in-place.

2   308                           Q.    Thank you. Okay. Do you  
3           recall any of the discussion -- do you recall  
4           Dr. Uzarowski raising concerns similar to the  
5           e-mail that we looked at a moment ago regarding  
6           Mr. Wiley thinking it may not be feasible and the  
7           MTO not permitting hot in-place to be used on SMA?

8                                A.    Do I remember  
9           specifically Ludomir talking about this?

10   309                          Q.    Do you remember him  
11           raising anything of that nature?

12                                A.    I'm sure he spoke about  
13           it. I don't remember, again, the specific  
14           conversation.

15   310                          Q.    Okay. But do you  
16           remember that it was raised, even if you don't  
17           remember the discussion?

18                                A.    The fact of going SMA to  
19           SMA discussion, you mean?

20   311                          Q.    Or the fact of using hot  
21           in-place recycling on SMA.

22                                A.    Yes, yeah.

23   312                          Q.    Any concerns specifically  
24           around what Dr. Uzarowski included in the e-mail,  
25           that Mr. Wiley thought it may not be feasible and

1 that the MTO did not permit hot in-place on the  
2 SMA, do you recall those two things being --

3 A. Yes, yes. I don't  
4 remember the specific part of the conversation,  
5 but I remember that was the generality of the  
6 discussion.

7 313 Q. Okay. And then I believe  
8 it is the fifth bullet down and it says:

9 "Gary - no to  
10 microsurfacing."

11 Do you recall what was being  
12 discussed regarding microsurfacing that led to  
13 this note?

14 A. I don't remember  
15 specifically that note, no. I wrote it down, but  
16 I don't remember the specific conversation.

17 314 Q. Okay. And, to your  
18 knowledge, do you recall whether microsurfacing  
19 was discussed in the context of the existing  
20 surface of the RHVP or post-hot in-place  
21 recycling? Do you have any recollection of --

22 A. I don't recollect that.

23 315 Q. Do you recall anything  
24 about how or why Mr. Moore may have said no to  
25 microsurfacing?

1 A. No, I don't remember why  
2 Gary said no.

3 316 Q. Okay. And you have the  
4 "no" underlined. Is there any -- do you recall  
5 why you did that? Is there any --

6 A. It was -- I'm assuming I  
7 did that for definitive no.

8 317 Q. Okay. Is it that you  
9 recall Mr. Moore was definitive in saying no?

10 A. I mean, that's normally  
11 how I take my notes. If there is a no and  
12 underlined, then that was definitive.

13 318 Q. And then a bit further  
14 down in the note above the line, there's -- I  
15 believe it says "concerned with friction numbers."  
16 Could you elaborate on the conversation that led  
17 you to write that?

18 A. I don't remember  
19 specifically why I wrote that down.

20 319 Q. Do you recall any  
21 discussion of friction numbers?

22 A. I don't remember  
23 specifics, no, as to why I made that note.

24 320 Q. Even if you don't recall  
25 specifically, do you recall generally what was

1 being discussed?

2 A. Not offhand, no. I was  
3 focused more on the hot in-place process and what  
4 we could do, if it would work, if it wouldn't work  
5 sort of thing. That was the focus mostly for me  
6 in this discussion.

7 321 Q. Do you recall if  
8 Dr. Uzarowski discussed friction results?

9 A. I don't remember offhand.

10 322 Q. All right. And do you  
11 recall if he referred to a Tradewind report or if  
12 he used the name Tradewind?

13 A. No, I do not remember  
14 that.

15 323 Q. And, at this time, do you  
16 recall anyone having concerns with friction  
17 numbers?

18 A. I don't recall.

19 324 Q. Were you concerned with  
20 friction numbers?

21 A. At this time, I was  
22 focused on the hot in-place. I don't recall,  
23 like, the friction numbers, no. For me, I was  
24 focused on the process.

25 325 Q. Okay. So, you don't have

1 any recollection of what led you to write  
2 "concerned with friction numbers"?

3 A. I don't. I'm sorry, I  
4 don't.

5 326 Q. Do you recall that  
6 friction numbers was discussed? If you had a  
7 note, would that mean that it was discussed?

8 A. If I wrote it down, then  
9 it was discussed.

10 327 Q. Okay. And did you have  
11 any discussions following this meeting regarding  
12 concerns with friction numbers?

13 A. I don't recall.

14 328 Q. Did you understand  
15 following this meeting that the City had friction  
16 test results?

17 A. Specific to?

18 329 Q. Your note says "concerned  
19 with friction numbers." After this meeting, so  
20 after March 9, did you know whether or not the  
21 City had friction test results?

22 A. I don't recall if I knew  
23 that we actually had results.

24 330 Q. Did you take any steps to  
25 obtain them --

1 A. No, I did not.

2 331 Q. -- after this meeting?

3 And in March of 2018, had you seen the Golder  
4 report and/or the Tradewind report that it  
5 appended?

6 A. No, I had not.

7 332 Q. Had you heard of them?

8 A. I don't remember ever  
9 hearing of them, no.

10 333 Q. Even if you hadn't heard  
11 of the report specifically, did you have an  
12 understanding that there were reports at all?

13 A. With respect to?

14 334 Q. The condition of the RHVP  
15 and friction testing.

16 A. At this time, I don't  
17 recall. I can't remember if I had or had not.  
18 Specific to the March 2018 timeframe.

19 335 Q. Correct. Okay. Thank  
20 you. Dr. Uzarowski testified that he presented  
21 the results from the 2017 Golder pavement  
22 evaluation and the testing done on December 6 to  
23 7, 2017 at the meeting. Do you recall any  
24 discussion of the results from that testing?

25 A. I don't remember that,

1 no.

2 336 Q. Registrar, if we can go  
3 to pages 72 and 73.

4 And do you recall any  
5 discussion of British pendulum testing or British  
6 pendulum numbers, measured texture depth results  
7 or PSV results at the meeting?

8 A. At the March 9 meeting  
9 you're speaking about?

10 337 Q. Correct.

11 A. I don't remember. No, I  
12 don't remember that.

13 338 Q. Okay. And you had  
14 received the proposal related to that testing back  
15 in November 2017. Do you recall when you first  
16 became aware of the results of that testing?

17 A. I never received the  
18 results of that testing.

19 339 Q. You never received?

20 Sorry.

21 A. I did not receive the  
22 results of that testing, that I remember.

23 340 Q. Okay. And were you ever  
24 told about the results of that testing?

25 A. I don't remember if I was



1 told about the results. I do remember hearing  
2 that they were inconclusive or testing was  
3 inconclusive, but I don't remember when that was  
4 stated to me.

5 341 Q. Okay. And do you recall  
6 what testing was inconclusive? Were you told?

7 A. No.

8 342 Q. Okay. And do you recall  
9 who provided that information?

10 A. Possibly Gary. Possibly  
11 Marco. I don't remember.

12 343 Q. And you don't recall  
13 when --

14 A. I don't recall. No, I  
15 don't recall a specific date or time.

16 344 Q. Okay. Following the  
17 March 9 meeting, on March 14, 2018 Dr. Uzarowski  
18 sent an e-mail to some of his colleagues at Golder  
19 describing the March 9 meeting. To be clear at  
20 the outset, you weren't copied on the e-mail, but  
21 I would like to take you to the e-mail in case it  
22 helps refresh your memory at all.

23 A. Okay.

24 345 Q. Registrar, if we could go  
25 to overview document 8, page 78, and if you can

1 call out paragraph 214.

2 Mr. Becke, I'll let you review  
3 the content of the e-mail.

4 A. Okay.

5 346 Q. And, in the third  
6 paragraph, Dr. Uzarowski wrote:

7 "Frictional  
8 characteristics - I  
9 suggested applying  
10 microsurfacing on HIR  
11 recycled SMA, if they use  
12 HIR. This would make the  
13 surface uniform and offer  
14 good frictional  
15 characteristics. Gary  
16 rejected the idea."

17 Do you recall if this was what  
18 was being discussed that led you to write "Gary -  
19 no to microsurfacing" that we had discussed?

20 A. I assume it matches my  
21 notes.

22 347 Q. Is it consistent with  
23 your recollection?

24 A. I have to defer to my  
25 notes. I mean, that's what I wrote down.

1 348 Q. Okay. Do you recall  
2 Dr. Uzarowski saying anything similar to:  
3 "I then recommended using  
4 skid abrader or shot  
5 blasting, at least the  
6 worst areas indicated in  
7 Tradewind Scientific  
8 report, to improve  
9 friction of the current  
10 surface if they delay  
11 resurfacing"?

12 A. I don't recall  
13 specifically that.

14 349 Q. Do you have any general  
15 recollections of anything similar?

16 A. No. Again, offhand, I  
17 have to refer to my notes. One reason why I take  
18 notes is so, you know, I write down what was  
19 discussed in them.

20 350 Q. Okay. Did Dr. Uzarowski  
21 mention the term skidabrader or shot blasting at  
22 the meeting?

23 A. I don't recall  
24 specifically if he did. I'm sorry.

25 351 Q. And, to your knowledge,

1 did Dr. Uzarowski ever recommend those at any time  
2 prior to the March 9 meeting?

3 A. Not to me.

4 352 Q. And were you aware that  
5 he had recommended them to anyone else at the City  
6 at this time?

7 A. At this time, no.

8 353 Q. Do you recall  
9 Dr. Uzarowski mentioning anything like the worst  
10 areas?

11 A. No, I don't recall.

12 354 Q. Do you recall  
13 Dr. Uzarowski recommending any interim measures to  
14 the existing pavement if resurfacing was delayed?

15 A. If resurfacing was  
16 delayed, no, I don't remember.

17 355 Q. Dr. Uzarowski testified  
18 that he was told at the March 9 meeting that the  
19 City could not implement any interim measures  
20 prior to resurfacing, because that would confirm  
21 there was a problem with the Red Hill Valley  
22 Parkway and that the public would blame the City.  
23 Do you recall anything similar being said at the  
24 March 9 meeting?

25 A. I don't recall that, no.

1 356 Q. Dr. Uzarowski testified  
2 that he thought it was Mr. Oddi who made the  
3 comment of that nature at the March 9, 2018  
4 meeting. Do you recall Mr. Oddi saying anything  
5 similar?

6 A. I don't recall, no.

7 357 Q. What do you recall about  
8 Mr. Oddi's involvement at this meeting?

9 A. I honestly don't  
10 remember. Again, my focus at this time was on the  
11 hot in-place process and that was what I was there  
12 to -- my focus. I honestly don't remember the  
13 back and forth between Gary and Ludomir with  
14 respect to the other stuff. I was more focused on  
15 the hot in-place.

16 358 Q. You referenced a back and  
17 forth between Dr. Uzarowski and Mr. Moore. Do you  
18 recall if Mr. Oddi was involved in that back and  
19 forth?

20 A. I don't remember. I'm  
21 sorry.

22 359 Q. Okay. And in that same  
23 paragraph further on, Dr. Uzarowski wrote:

24 "Marco rejected the idea  
25 for various reasons."

1 And that's following the:  
 2 "I then recommended using  
 3 skid abrader or shot  
 4 blasting, at least on the  
 5 worst areas indicated in  
 6 Tradewind Scientific  
 7 report..."

8 Do you recall Mr. Oddi  
 9 rejecting any suggestions Dr. Uzarowski made at  
 10 the meeting?

11 A. I don't.

12 360 Q. Dr. Uzarowski recalls  
 13 that you may have confirmed the statements made by  
 14 Mr. Oddi. Did you say anything similar at the  
 15 meeting, the City cannot implement any interim  
 16 measures prior to resurfacing because that would  
 17 confirm that there was a problem with the RHVP and  
 18 the public would blame the City?

19 A. I never said that, nor  
 20 would I say that.

21 361 Q. Were you aware at this  
 22 time of any issues with the RHVP?

23 A. No.

24 362 Q. Do you recall making any  
 25 comments regarding why the City could not

1           implement interim measures?

2                                   A.    No.    I would not make a  
3           comment like that.

4    363                           Q.    For a moment, separating  
5           Dr. Uzarowski's evidence for a moment, not related  
6           specifically to that would confirm there was a  
7           problem with the RHVP and the public would blame  
8           the City, but do you remember making any comments  
9           for any reason that the City could not implement  
10          any interim measures?

11                                A.    No.

12    364                           Q.    Would you have commented  
13          regarding the implementation of interim measures  
14          generally?

15                                A.    No.    No.    That would not  
16          be my place.

17    365                           Q.    Do you recall making any  
18          comments that could have led Dr. Uzarowski to this  
19          conclusion?

20                                A.    No.    I don't know why he  
21          would make that conclusion.

22    366                           Q.    And given your focus on  
23          the hot in-place recycling, would you have made  
24          notes if Dr. Uzarowski had referenced interim  
25          measures, like skidabrading or shot blasting, if

1 the resurfacing was delayed?

2 A. It would have been noted.

3 367 Q. Do you recall, did you  
4 reject any suggestions Dr. Uzarowski made during  
5 the meeting?

6 A. No.

7 368 Q. Do you recall speaking at  
8 all during the meeting?

9 A. I mean, I'm sure I said  
10 the reason for having the meeting and to start the  
11 dialogue.

12 369 Q. Do you recall being  
13 involved in any of what you've characterized as  
14 the back and forth between Dr. Uzarowski and  
15 Mr. Moore?

16 A. If I was involved in that  
17 discussion? Sorry, is that what you said?

18 370 Q. Correct, yes. Were you  
19 involved in that discussion?

20 A. No. I was listening to  
21 see what the two of them were talking about.

22 371 Q. Okay. And the last  
23 sentence of that paragraph, Dr. Uzarowski wrote:

24 "For your information, I  
25 had recommended this



1 treatment before when  
2 they let me know about  
3 friction concerns on the  
4 RHVP."

5 Were you aware of prior  
6 recommendations for skidabrading or shot blasting  
7 on the --

8 A. I was not aware, no.

9 372 Q. And we spoke a little  
10 earlier about the proposal from Norjohn in context  
11 of 2016. To your knowledge, was this why  
12 proposals were sought from Norjohn?

13 A. I'm sorry, why they were  
14 sought?

15 373 Q. So, the last sentence is:  
16 "For your information, I  
17 had recommended this  
18 treatment before when  
19 they let me know about  
20 friction concerns on the  
21 RHVP."

22 And we had looked at, in the  
23 context of 2016, some discussions with Norjohn  
24 involving a proposal, and in that proposal there  
25 was a reference to the objective being improving

1 skid resistance on the RHVP?

2 A. Yes.

3 374 Q. To your knowledge, were  
4 friction concerns on the RHVP the reason that the  
5 City sought proposals from Norjohn?

6 A. Again, like, sorry,  
7 you're going back to the Norjohn question. The  
8 Norjohn question was specific to the  
9 microsurfacing. Correct? And you're talking  
10 about this meeting. I just want to make sure I'm  
11 answering your question correctly.

12 So, I was not aware of why  
13 Norjohn was asked to -- from Richard Andoga's  
14 e-mail.

15 375 Q. So, maybe I'll ask the  
16 question a little bit more generally.

17 Dr. Uzarowski wrote:

18 "...when they let me know  
19 about friction concerns  
20 on the RHVP."

21 So, he's saying he had  
22 recommended the treatment before when they let me  
23 know about friction concerns on the RHVP. Were  
24 you aware that anyone had let Dr. Uzarowski know  
25 about friction concerns on the RHVP?

1 A. No. I was not part of  
2 that discussion.

3 376 Q. Okay. To confirm, in the  
4 context of the Norjohn proposal, that was not  
5 specifically related to microsurfacing, though,  
6 that question was raised in the e-mail that I took  
7 you to. It was related to the bonded wearing  
8 course, just to the extent that that clarifies  
9 anything for you.

10 A. Okay.

11 377 Q. Had anyone at the City  
12 ever expressed anything like that to you, that  
13 there were concerns about friction on the RHVP?

14 A. During this time?

15 378 Q. Before or on the March 9,  
16 2018 meeting.

17 A. No.

18 379 Q. Do you recall if  
19 Dr. Uzarowski raised any concerns relating to  
20 safety at this meeting or prior to this meeting?

21 A. No. And if safety had  
22 been brought up, I would have wrote that down.

23 380 Q. You believe you would  
24 have noted --

25 A. Yes.

1 381 Q. -- safety concerns, had  
2 they been raised?

3 A. Yes.

4 382 Q. Do you recall if  
5 Dr. Uzarowski raised concerns regarding safety on  
6 the RHVP with you at any time?

7 A. I don't recall.

8 383 Q. So, other than the  
9 e-mail, again, referring to 2016, other than the  
10 e-mail we looked at, when Mr. Andoga identified  
11 improving skid resistance as the objective of  
12 pavement rehabilitation, did anyone ever tell you  
13 that friction needed to be improved on the RHVP?

14 A. In 2016? Again, I'm just  
15 making sure I'm answering the question correctly.

16 384 Q. So, other than the 2016  
17 e-mail that I took you to where Mr. Andoga  
18 referenced skid resistance being the objective,  
19 other than that, did anyone ever tell you that  
20 friction on the RHVP needed to be improved?

21 A. Not that I remember, no.

22 385 Q. After the meeting, do you  
23 recall having any discussions regarding the  
24 meeting with anyone in your group or engineering  
25 services or Public Works more broadly?

1                                   A.    No, I don't.  I don't  
2       recall any specific conversation after the  
3       meeting.

4    386                           Q.    Did you have any  
5       discussions regarding friction on the RHVP  
6       following the meeting?  Did you ask anyone for  
7       friction results?

8                                   A.    No, I did not.

9    387                           Q.    Did you discuss  
10      implementing skidabrading, shot blasting or any  
11      interim measures pending resurfacing with anyone  
12      after the meeting?

13                                  A.    No, I did not.

14    388                           Q.    Did you have any views at  
15      this time regarding whether any interim measures  
16      were necessary?

17                                  A.    I did not, no.

18    389                           Q.    After this meeting, were  
19      there discussions of whether the time and cost of  
20      determining the feasibility of hot in-place  
21      recycling on the RHVP was appropriate based on the  
22      intended timeline of the resurfacing?

23                                  A.    I'm sorry, was that a  
24      question?

25    390                           Q.    Were there any --

1                   A.    It sounded more like a  
2       statement.  I'm sorry.

3   391               Q.    Apologies.  I'll restate  
4       it.  I was asking if there were any discussions of  
5       whether the time and cost of determining the  
6       suitability or feasibility of hot in-place was  
7       appropriate, given the timing.  Did you discuss  
8       that at all?

9                   A.    Sorry, I'm trying to  
10       understand the purpose of the question.  I mean,  
11       with respect to the process, I mean, we're  
12       always -- every project, we're discussing about  
13       timing and costs and stuff like that, so I don't  
14       quite understand what you're asking.  I'm sorry.

15   392               Q.    No problem.  So, I  
16       understood from your answer earlier that because  
17       the scope had not yet been determined for the  
18       method of resurfacing on the RHVP, that the  
19       resurfacing was deferred from 2018 to 2019.  Did I  
20       understand that correctly?

21                   A.    Yeah.

22   393               Q.    And after this meeting,  
23       were there any discussions on whether there was  
24       any need to expedite that timeline?

25                   A.    No.  I don't recall any

1 discussions on expediting the timeline.

2 394 Q. Or if there was a need to  
3 move up the timeline. Do you recall any  
4 discussions of that nature?

5 A. No. I don't recall  
6 anything to do with the timeline.

7 395 Q. Okay. And did you  
8 discuss with anyone whether the City still wanted  
9 to consider hot in-place recycling on the RHVP?

10 A. I don't remember  
11 discussing with any -- like, I'm sorry. Like,  
12 discuss with anybody about just the process? I  
13 just want to make sure I'm, again, answering the  
14 question correctly.

15 396 Q. No, of course. So, in  
16 light of the meeting, did you have any discussions  
17 regarding whether or not the City should continue  
18 to pursue whether hot in-place recycling was  
19 feasible?

20 A. Immediately after the  
21 meeting, no. I don't remember discussing that.

22 397 Q. At some time after the  
23 meeting, did you discuss that?

24 A. I mean, I don't recall.  
25 I mean, it was still up in the air as to how we

1           were going to move forward.

2    398                            Q.    And did you have any  
3           concerns about continuing to consider hot in-place  
4           recycling following the March 9 meeting?

5                                A.    Did I have any concerns?  
6           No.  Again, it was a process to me I thought was  
7           interesting.  Did I have any concerns moving  
8           forward?  Again, for me, I wanted to get the  
9           project -- you know, it was a project we had to  
10          get working on so we could deliver as per the  
11          expectations, so...

12   399                           Q.    And did anything from the  
13          March 9 meeting cause you any concern about  
14          delaying the repaving from a safety perspective?

15                                A.    No.

16   400                           Q.    Okay.  And other than  
17          what we discussed, can you tell me anything that  
18          you haven't already mentioned that you can  
19          remember about this meeting?

20                                A.    No.  Again, I have to  
21          refer to my notes.  Again, that's why I take them.

22   401                           Q.    Okay.  Would it be  
23          helpful if I -- why don't I call up that note.  I  
24          believe it is HAM61788 at image 60.  And I'll just  
25          give you a moment to review the note again, and



1           then if you can tell me anything else you remember  
2           that we haven't discussed.

3                           A.    No.  I mean, I think in  
4           general we've gone over most of it.

5   402                    Q.    Okay.  And I believe that  
6           you told me that had safety concerns been raised,  
7           you would have noted them?

8                           A.    Yes, I would have.

9   403                    Q.    And is that typical based  
10          on your note-taking practice or...

11                          A.    Yes.

12   404                    Q.    Registrar, if we can go  
13          to overview document 8, page 77, paragraphs 210  
14          and 211.

15                          So, this is after the meeting  
16          on March 13, 2018.  Mr. Moore forwarded an e-mail  
17          he received from Dr. Uzarowski the day prior, so  
18          that e-mail, and in Mr. Moore's e-mail, he wrote:

19                                    "FYI, Ludomir has no --"

20                                    Although I think that should  
21          read "now":

22                                    " -- changed his tune."

23                                    Why did Mr. Moore send this to  
24          you?

25                           A.    I would have to see the

1 e-mail.

2 405 Q. Okay. I'm happy to take  
3 you to that. It's HAM52950. If you can open both  
4 images, please, Registrar. Thank you.

5 Mr. Becke, I'll let you  
6 review.

7 A. Okay.

8 406 Q. Okay. And do you recall  
9 having any discussions with Mr. Moore after the  
10 meeting --

11 A. After the meeting?

12 407 Q. -- of March 9?

13 A. No, I don't.

14 408 Q. Now that you've reviewed  
15 the e-mail, do you know why Mr. Moore sent this to  
16 you?

17 A. I assume, having read  
18 Ludomir's section, that he talked to Pat and the  
19 language here seems more that the EcoPave was  
20 optimistic regarding the SMA.

21 409 Q. And did you speak to  
22 Dr. Uzarowski between the March 9 meeting and  
23 receiving this e-mail on the 13th of March?

24 A. No, I did not.

25 410 Q. And, Registrar, if we can

1 go to overview document 8, page 80.

2 So, this is two days later, on  
3 March 15, 2018. Dr. Uzarowski sent an e-mail to  
4 Mr. Moore copying you and Mr. Oddi regarding a  
5 conversation he had with Mr. Wiley. He wrote that  
6 Mr. Wiley thinks it is possible to hot in-place  
7 recycle SMA and is now in agreement to carry out  
8 this project.

9 As we've discussed, Mr. Wiley  
10 had previously expressed hesitation or caution to  
11 carry out hot in-place recycling on SMA. Were you  
12 aware of what had changed?

13 A. No, I'm not aware of what  
14 changed.

15 411 Q. At this time, did you  
16 think Dr. Uzarowski was in agreement? Had his  
17 views changed from the meeting, to your knowledge?

18 A. At this time, the  
19 March 15 e-mail?

20 412 Q. Correct.

21 A. I'm not aware of  
22 Dr. Uzarowski's opinion on this.

23 413 Q. Okay. And, to your  
24 knowledge, were there any meetings or calls  
25 between March 9, 2018 and this e-mail on March 15,

1 2018 where hot in-place recycling was discussed  
2 with Dr. Uzarowski?

3 A. Not that I'm aware of.

4 414 Q. Okay. And, Registrar, if  
5 we can open HAM61788 at image 77.

6 So, Mr. Becke, these are  
7 again -- I understand that these are your notes.  
8 Is that correct?

9 A. Yeah.

10 415 Q. Okay. And, Registrar, if  
11 we can also call RHV992 side by side to this  
12 document.

13 Commission counsel has  
14 prepared a transcription of this document. Have  
15 you reviewed the transcription?

16 A. Yes. I believe it was  
17 sent to me.

18 416 Q. Okay. And you confirm,  
19 to the best of your knowledge, it's accurate to  
20 the note?

21 A. I believe so, yes.

22 417 Q. Okay. And the date on  
23 the note is April 23, 2018. Does this reflect a  
24 meeting with Dr. Uzarowski?

25 A. I don't know if this is a

1 meeting with Dr. Uzarowski or not. I didn't -- I  
2 haven't identified it as the people present or  
3 anything like that.

4 418 Q. Okay. I think I  
5 understood from your answer earlier that you use a  
6 line to separate --

7 A. Correct. The top portion  
8 is with respect to a PAD, which is a performance  
9 appraisal.

10 419 Q. So, is the portion below  
11 the line relating to hot in-place recycling of the  
12 RHVP?

13 A. There is a statement.  
14 The last bullet says:  
15 "Get PO from Gary about  
16 HIP from Ludomir and  
17 pricing for it."

18 420 Q. Okay. And do you have  
19 any recollection of what this note might refer to?

20 A. No, I don't, actually.

21 421 Q. And you have a note that  
22 says:

23 "Overall, Ludomir,  
24 project with Gary? Where  
25 is it at."

1 What does this refer to?

2 A. I'm not sure.

3 422 Q. We understand,  
4 positioning the same time, so this is April 23,  
5 2018, I understand that Mr. Moore retired shortly  
6 after this note. Do you recall what his role was  
7 regarding the hot in-place recycling of the RHVP  
8 at this time?

9 A. At this time, I mean, he  
10 was the director of engineering still, if he  
11 hadn't retired by that point, so he was dealing  
12 with Ludomir for the most part on this project.

13 423 Q. And what was your role on  
14 the project? Was there any change, given  
15 Mr. Moore's upcoming retirement?

16 A. I mean, my focus at this  
17 point was, again, working on the capital projects  
18 that we were putting out as part of the role of  
19 engineering services, so I don't remember  
20 specifically on April 23 my role at that point. I  
21 don't recollect where I was with this. It looks  
22 like I was to get a PO from Gary for the hot  
23 in-place. That's what my note states.

24 424 Q. And do you recall at or  
25 around this time if you were actively working on

1 anything relating to the resurfacing?

2 A. I don't believe I was  
3 actively working on anything to do with  
4 resurfacing at this point.

5 425 Q. Okay. Commissioner, I  
6 see that we're a few minutes away from --  
7 actually, one moment. I believe we need to mark  
8 the second document, so RHV992, as Exhibit 112,  
9 just before we leave that document.

10 JUSTICE WILTON-SIEGEL: Okay.

11 EXHIBIT NO. 112:

12 Transcription of

13 Mr. Becke's notes dated

14 April 23, 2018, RHV992.

15 MS. LECLAIR: And I'm about to  
16 move on to a different topic, so I propose this  
17 might be a good place for the break.

18 JUSTICE WILTON-SIEGEL: Okay.

19 That's fine. Let's take our lunch break. We'll  
20 return at ten past 2:00.

21 --- Luncheon recess taken at 12:57 p.m.

22 --- Upon resuming at 2:10 p.m.

23 MS. LECLAIR: Commissioner,  
24 may I proceed?

25 JUSTICE WILTON-SIEGEL: Yes.

1 BY MS. LECLAIR:

2 426 Q. Mr. Becke, throughout the  
3 spring and summer of 2018, I understand you  
4 exchanged e-mails with Heather Bell from the MTO.  
5 Do you recall that?

6 A. Yeah. Specific to which,  
7 though?

8 427 Q. Relating to the  
9 resurfacing of the Red Hill Valley Parkway.

10 A. Okay.

11 428 Q. When did you first  
12 contact Ms. Bell?

13 A. I don't quite recall the  
14 exact date in which we contacted. I had conversed  
15 with her in the past about other products in  
16 asphalt. I don't remember when I spoke to her  
17 specifically about the resurfacing.

18 429 Q. Okay. So, you were  
19 familiar with Ms. Bell before, in other contexts  
20 before. Is that correct?

21 A. Correct. We had talked  
22 about a product that was being used in asphalt  
23 that we had talked about previously.

24 430 Q. Okay. And, Registrar, if  
25 we can go to MT038687, images 1 and 3, I believe.



1                                   And, Mr. Becke, to be clear,  
2           these are -- I don't understand these to be your  
3           notes. These are Ms. Bell's notes. I've included  
4           images 1 and 3 just for the date. If you can see  
5           up at the top on image 1, it says April 14, 2018.  
6           We understand the note on the image on the right  
7           to have been dated sometime between April 13 to  
8           17.

9                                   Do you recall speaking to  
10          Ms. Bell in mid-April 2018?

11                                  A.    We had spoken about a  
12          couple things. I don't remember a specific date,  
13          but yes.

14    431                          Q.    Okay. And, Registrar, if  
15          we can with close image 1 and just have image 3  
16          up, please. And even if you can just call out the  
17          note itself so it's a little bit larger. Okay.

18                                  And I'll let you review the  
19          note, Mr. Becke.

20                                  A.    Okay.

21    432                          Q.    Okay. And can you tell  
22          us anything that you recall about a discussion  
23          that you may have had with Ms. Bell?

24                                  A.    Sure. So, at this time,  
25          the Ministry, the MTO, was looking at a product

1 called Forta-Fi or fibrous in the asphalt mix.  
2 That's what the majority of this is speaking to.  
3 We, the City, had done a trial of it back in 2012  
4 with the Forta-Fi fibers and mix on Mohawk Road,  
5 so she was asking about that because they were  
6 looking at using it as well on one of the Ministry  
7 contracts.

8 433 Q. Do you recall if this  
9 reflects a telephone call?

10 A. It might have. I had  
11 talked to her a couple times on the phone.

12 434 Q. How did you come to  
13 discuss the RHVP?

14 A. I can't remember how I  
15 found out that they were doing a trial. I think  
16 Ludomir had mentioned that they were doing a trial  
17 and I think just asked her if she was involved. I  
18 don't remember the specific conversation  
19 specifically, but -- and she was involved in the  
20 hot in-place from what I remember.

21 435 Q. Okay. And the trial you  
22 were referring to, that was a trial of hot  
23 in-place recycling. Is that correct?

24 A. Yes.

25 436 Q. And was the hot in-place

1 recycling on SMA or on another asphalt type?

2 A. It was a trial job they  
3 were doing up in Thunder Bay. I don't remember  
4 specifically what asphalts it was being done on.

5 437 Q. Do you know if it was --  
6 even if you don't recall what type, do you recall  
7 if it was SMA or something else?

8 A. I don't believe it was  
9 SMA, but again, I don't recall.

10 438 Q. And you had mentioned  
11 Forta-Fi and I see that that note is included  
12 there. Is that related to the RHVP, to your --

13 A. No.

14 439 Q. -- recollection of the  
15 discussion?

16 A. No, it is not.

17 440 Q. Okay. The note includes:  
18 "Red Hill creek valley  
19 need resurfacing."

20 Do you recall what you might  
21 have said to prompt that note? Do you recall what  
22 you told Ms. Bell about resurfacing?

23 A. I don't recall  
24 specifically what I said to her in that  
25 conversation. I see that the note says, "Can

1 Hamilton come visit?" We had spoken about coming  
2 up to see the process of the hot in-place being  
3 done in Thunder Bay.

4 441 Q. Thank you, Registrar. We  
5 can close that and if we can go to overview  
6 document 8, page 98, please.

7 Looking at paragraphs 270 and  
8 271, on April 25, 2018 Mr. Moore sent an e-mail to  
9 you and Mr. Andoga with the subject line "Stuff"  
10 and he wrote:

11 "Just cleaning out files.  
12 Here are my estimates for  
13 widening both the LINC  
14 and Red Hill for future  
15 information."

16 Why did Mr. Moore send the  
17 documents to you?

18 A. I'm not sure why he sent  
19 it to me. Again, it was probably more of an FYI.

20 442 Q. Okay. Do you recall if  
21 Mr. Moore sent you any other documents in the  
22 context of his upcoming retirement?

23 A. I mean, he had given me  
24 magazines and stuff like that that he had had.  
25 That was about it.

1 443 Q. Do you recall if he gave  
2 you any other documents related to the RHVP?

3 A. No.

4 444 Q. To your knowledge, did  
5 you previously have access to the documents that  
6 Mr. Moore sent?

7 A. No.

8 445 Q. Okay. To your knowledge,  
9 were they saved in ProjectWise?

10 A. I can't recall if I saved  
11 them in ProjectWise. Again, normally if it's  
12 project related, it would be saved in ProjectWise.

13 446 Q. Okay. Do you recall if  
14 prior to receiving them, they had been saved in  
15 ProjectWise?

16 A. No, I don't.

17 447 Q. And, Registrar, if we can  
18 go to HAM1197.

19 On April 25, 2018, you sent an  
20 e-mail to Mr. Andoga, copying Ms. Jacob and  
21 Mr. Vala, and referenced a project coordination  
22 meeting. Do you recall what meeting this e-mail  
23 refers to?

24 A. If it's a project  
25 coordination meeting, it's a monthly meeting that

1 we have with a number of the various departments  
2 and sections talking about projects.

3 448 Q. Okay. And you referenced  
4 in our discussion earlier that over time  
5 communication between groups within Public Works  
6 had gotten better over the course of your time at  
7 the City. I believe you referenced ongoing  
8 coordination meetings as something that  
9 contributed to the improvement in communication.

10 Would this project  
11 coordination meeting be an example of the type of  
12 meeting you were referencing?

13 A. Sure, yeah.

14 449 Q. This is April 2018. In  
15 your view, had communications between divisions  
16 within Public Works gotten better at this time?

17 A. At my level, they were  
18 getting better, yes.

19 450 Q. Okay. And when did  
20 project coordination meetings begin, to your  
21 knowledge?

22 A. Prior to me being a  
23 senior project manager. I don't know when they  
24 started, but when I became a senior project  
25 manager I started getting invited to the meetings.

1 451 Q. Okay. But you're not  
2 aware of whether or not they were ongoing prior to  
3 that time. That's just when you became aware of  
4 them. Is that correct?

5 A. Yeah. I don't know when  
6 they started the project coordination.

7 452 Q. Okay. And in the second  
8 paragraph, you wrote:

9 "We opted to defer the  
10 works to 2019 in order to  
11 complete further review  
12 of this technology."

13 Who were you referring to in  
14 writing "we opted to defer the works"? Who would  
15 have made the decision?

16 A. Well, that's more like  
17 the royal we, you know, the City had made the  
18 decision.

19 453 Q. So, it was the City that  
20 you were referring to?

21 A. Yeah, like the royal. It  
22 was a group decision that we would do this.

23 454 Q. And in the following  
24 paragraph, you wrote:

25 "I understand there is





1 add these cat's eyes and reflectors and stuff like  
2 that.

3 459 Q. Just going back a moment  
4 to the "we opted to defer the works," who did you  
5 understand to make the final decision on whether  
6 the works would have been deferred a year?

7 A. Who made the actual final  
8 decision? I'm not sure. I mean, I think it was a  
9 group effort at that point where we were talking  
10 about the hot in-place process.

11 460 Q. When you say group  
12 effort, who would be part of that group?

13 A. Well, engineering  
14 services, so the asset management group, the  
15 design, you know, our director.

16 461 Q. Okay. And am I  
17 understanding correctly that there would be one  
18 person responsible for that decision?

19 A. One person? There might  
20 have been. I don't know if one person made the  
21 final decision on that.

22 462 Q. At the time of the  
23 project coordination meeting, had you reviewed the  
24 2013 or 2015 CIMA reports?

25 A. No, I had not.

1 463 Q. Were you aware of any  
2 recommendations CIMA had previously made?

3 A. No, I was not.

4 464 Q. Okay. Registrar, if we  
5 can go to overview document 9, pages 10 and 11,  
6 please.

7 You sent a calendar invite to  
8 Mr. Andoga, Mr. Perusin, Mr. Oddi, Mr. Renaud and  
9 Dr. Uzarowski on May 14, 2018 for a meeting titled  
10 Red Hill Valley Repaving-HIP. And do you recall  
11 attending this meeting?

12 A. I believe so.

13 465 Q. Okay. And the overview  
14 document at paragraphs 13 and 14 include  
15 transcriptions of Dr. Uzarowski and your notes  
16 respectively. I'll just give you a moment to  
17 review. Please let me know if you could like me  
18 to call out anything or make it larger, if that's  
19 helpful.

20 A. No. I'm okay. I'm good.

21 466 Q. Okay. Why did you  
22 request this meeting at this time?

23 A. I believe it was to get  
24 the process going for what was needed to determine  
25 the mix design.

1 467 Q. And do you recall what  
2 was discussed at this meeting?

3 A. I don't recall specifics,  
4 but obviously we were talking about the hot  
5 in-place process and the sampling that would be  
6 needed to do the mix design review.

7 468 Q. And do you recall who  
8 attended this meeting?

9 A. I don't recall who  
10 specifically was able to attend the meeting.

11 469 Q. From the calendar  
12 invitation described at paragraph 12, do you  
13 recall if any of those individuals did not attend?

14 A. No, I don't -- I'm sure  
15 they all did attend. I tried to be -- it looks  
16 like I tried to make the calendar work for  
17 everyone.

18 470 Q. Both your notes and  
19 Dr. Uzarowski's notes from the meeting include  
20 references to Gary. To your knowledge, does this  
21 refer to Mr. Moore?

22 A. Yes.

23 471 Q. I understand that  
24 Mr. Moore's last day in his role as director of  
25 engineering services was May 25, 2018, so not long

1 after this meeting. At this time, was Mr. Moore  
2 actively involved in the RHVP resurfacing? Given  
3 his nearing retirement date, what was his role on  
4 the project at this time?

5 A. Good question. I can't  
6 remember how involved Gary was in all this. I  
7 mean, he was obviously trying to transition, so  
8 his role was probably in that transitional stage.

9 472 Q. Okay. And your notes  
10 above the solid line include a reference to PSV?

11 A. Mm-hmm.

12 473 Q. What does that refer to?

13 A. I'm assuming PSV stands  
14 for polished stone value.

15 474 Q. Okay. And do you recall  
16 any discussion about polished stone value at this  
17 meeting?

18 A. I don't recall specifics  
19 to that meeting. Again, we were talking about  
20 different asphalt specs there.

21 475 Q. Do you recall anything  
22 generally about PSV at this meeting?

23 A. I'm sorry, I don't.

24 476 Q. And when did you first  
25 learn that Mr. Moore was going to retire from the

1 director of engineering role?

2 A. It would have been that  
3 spring. Specific date, I don't recall what  
4 specific date they made the announcement that Gary  
5 had taken on the position. Or I should say,  
6 sorry, retiring from his position.

7 477 Q. Registrar, if we can go  
8 to overview document 9, pages 23 and 24, please.  
9 Okay.

10 On June 6, 2018, Dr. Uzarowski  
11 sent you the proposal for hot in-place recycling  
12 suitability study on the RHVP, which was separated  
13 into two phases: Investigation and specification  
14 development.

15 And why was the testing  
16 contemplated in this proposal not originally  
17 undertaken as part of the 2017 Golder pavement  
18 evaluation?

19 A. I don't know. I wasn't  
20 part of the original request from the original  
21 testing.

22 478 Q. And what was the  
23 objective of this proposal?

24 A. Of this proposal? We  
25 needed to get larger slab sections for the testing

1 because the process of the hot in-place needed  
2 uncut aggregate.

3 479 Q. Okay. And, to your  
4 knowledge, did any of the results from the testing  
5 that was conducted on December 6 to 7, 2017 inform  
6 this later proposal on this later project?

7 A. Inform? Like, what do  
8 you mean by inform? I'm sorry.

9 480 Q. Were the test results  
10 used at all in the hot in-place suitability study?

11 A. I don't recall. My  
12 understanding of this proposal was to obtain those  
13 larger samples for the actual mix design of the  
14 hot in-place.

15 481 Q. Perhaps I'll ask more  
16 generally. Did you understand this project, which  
17 we refer to as the hot in-place recycling  
18 suitability study, did you understand that to be  
19 related to the earlier project, the 2017 Golder  
20 pavement evaluation?

21 A. No. In my opinion, this  
22 is different.

23 482 Q. Okay. And though  
24 different projects, did you understand if they  
25 were, you know, phases, so to speak, or were they

1 completely unrelated?

2 A. I would say they're  
3 unrelated. Again, in this sampling process, much  
4 larger sections of asphalt were required for the  
5 mix design, so it was -- the entire purpose of  
6 this was to get large samples, something you  
7 couldn't really get out of a core.

8 483 Q. Okay. And what is the  
9 purpose of getting large samples, if you can just  
10 explain that?

11 A. So, for the analysis,  
12 again, the way that the hot in-place process is,  
13 it doesn't damage the aggregate, so to ensure that  
14 the samples that were being used for the mix  
15 design weren't damaged, we had to take much larger  
16 samples so they could be broken up without  
17 actually affecting the aggregate itself.

18 484 Q. Okay. And, Registrar, if  
19 we can move to pages 25 and 26.

20 And on June 27, 2018, you sent  
21 Mr. McGuire an e-mail updating him on the status  
22 of hot in-place recycling, the suitability study.  
23 What was your involvement regarding the  
24 resurfacing in the suitability study at this time?

25 A. At this time, I was kind

1 of stick-handling this portion of the suitability  
2 study because the sampling of the existing asphalt  
3 needed to be done and staff was stretched quite  
4 thin, so I needed to step up here and help out.

5 485 Q. Okay. So, I understood  
6 from your evidence earlier that you were generally  
7 waiting for the scope of the resurfacing project  
8 to be complete before your work and the work of  
9 design more generally could begin. Is that  
10 correct?

11 A. That's correct.

12 486 Q. Okay. So, as I  
13 understand at this time, the City was still  
14 investigating the suitability of hot in-place  
15 recycling and had not yet decided it would proceed  
16 that way. Is that correct?

17 A. Correct.

18 487 Q. And your reason for being  
19 involved prior to that decision being made, am I  
20 understanding correctly it was relating to  
21 staffing considerations?

22 A. Sorry, you're asking  
23 about this specific investigation, you mean?

24 488 Q. Yes, the hot in-place  
25 recycling --



1                   A.    Yes.  We were stretched,  
2       so I stepped up to help out.

3   489               Q.    Okay.  But it would not  
4       be something you would typically be involved in,  
5       given your role?

6                   A.    No.  Normally it's dealt  
7       with through a project manager, but because of the  
8       time, we were just -- the timing and everything  
9       and the amount of work that we were putting out,  
10      we were quite busy, so this was a consultant  
11      assignment, so I kind of stick-handled it, you  
12      could say.

13   490             Q.    And would this type of  
14      project typically be something that asset  
15      management or that design would be responsible  
16      for?

17                  A.    That's a good question.  
18      It would probably depend upon when that fell in  
19      the process.  In this case, you know, we took it  
20      on because we were -- the timing of the delivery  
21      of the project that we were looking at doing, we  
22      wanted to, you know, be involved.

23   491             Q.    Okay.  I understand that  
24      there was somewhat of a delay in receiving the  
25      proposal relating to this project, at least in

1 part relating to some contractual issues being  
2 sorted out between the City and Golder. Were you  
3 involved in those issues?

4 A. Contractual issues  
5 related to, I'm sorry?

6 492 Q. Related to this project  
7 and this proposal.

8 A. With the proposal?

9 493 Q. The project flowing from  
10 the proposal.

11 A. So, I just want to make  
12 sure. So, the proposal, there wasn't an issue.  
13 We did have an issue once we got to the actual  
14 purchase order.

15 494 Q. Right. And were you  
16 involved in those issues?

17 A. Yes. If that's what  
18 you're speaking to, yes.

19 495 Q. Okay. And to your  
20 knowledge, why did this process differ from or did  
21 it differ from previous Golder assignments?

22 A. There was a request for  
23 change in the contract and that is not something  
24 that's normally done with a roster contract.

25 496 Q. Registrar, if we can go

1 to overview document 9, pages 36 and 37.

2 And in July, you e-mailed  
3 Mr. Moore. You forwarded the e-mail to Mr. Moore  
4 regarding these issues. Do you recall why you  
5 contacted Mr. Moore at this time?

6 A. Which? Sorry, which one  
7 are you specifically talking to?

8 497 Q. I'm referring to  
9 paragraph 88, but I'm happy to take you to the  
10 e-mail itself if the context would be helpful.

11 A. Sure.

12 498 Q. Registrar, if we can go  
13 to HAM1326, please, and if we can call up the --  
14 perfect.

15 And I'll just let you review.

16 Apologies, Registrar. I think  
17 I have called up one e-mail earlier in the chain  
18 than I had intended to. If you can go to HAM35460  
19 instead. Thank you.

20 A. Okay.

21 499 Q. In your e-mail to  
22 Mr. Moore, you wrote:

23 "I was worried about  
24 getting this started."

25 In your e-mail at 3:53 p.m.,

1           it's the third paragraph. Why were you worried  
2           about getting the project started?

3                           A.     There's a lot of  
4           coordination involved in doing these samples. We  
5           actually shut down the lanes of the Red Hill to  
6           take these samples, so I was coordinating a  
7           significant amount of work with various groups to  
8           do that work to shut it down. So, there's a lot  
9           hinging on getting these things signed and  
10          completed on time.

11   500                   Q.     Okay. Registrar, if we  
12          can go to HAM1320?

13                           THE REGISTRAR:   Sorry,  
14          counsel. What was the doc ID?

15                           MS. LECLAIR:   HAM1320.

16                           THE REGISTRAR:   Thank you.

17                           BY MS. LECLAIR:

18   501                   Q.     Mr. McGuire was  
19          interviewed by the Spectator in July of 2018  
20          relating to resurfacing and hot in-place recycling  
21          on the RHVP. He was quoted in the article as  
22          saying the results from the December 2017 testing,  
23          he referred to them as inconclusive. Were you  
24          aware of the interview at the time?

25                           A.     No.

1 502 Q. Did you review the  
2 article once it was published, on July 19?

3 A. I might have, yeah.

4 503 Q. Okay. Do you recall any  
5 discussions with anyone at the City regarding this  
6 article?

7 A. I do not recall.

8 504 Q. At the time, so  
9 mid-July 2018, had you reviewed the results that  
10 were referenced?

11 A. No. I did not receive  
12 the results.

13 505 Q. Okay. Did you ask to see  
14 the results at this time?

15 A. No, I don't think so.

16 506 Q. Okay. Registrar, if you  
17 can call out the second half of the article  
18 beginning with Mr. McGuire said those test results  
19 came back inconclusive. Thank you.

20 And there's a reference in the  
21 second paragraph to friction testing from  
22 December 2015 coming back as inconclusive. Were  
23 you aware of what testing this referred to?

24 A. No, I was not.

25 507 Q. Do you recall asking for

1 the friction testing that this relates to?

2 A. No, I did not.

3 508 Q. And the article

4 hyperlinks and references an earlier article

5 published by the Spectator. It was an article

6 published on July 15, 2017 titled "Highway traffic

7 tragedies: Why are there so many crashes on the

8 Red Hill?" I'll just call that up. That's

9 HAM52704. If you can pull up two images,

10 Registrar, please.

11 Do you recall reading this

12 article, this 2017 article, when it was first

13 published, Mr. Becke?

14 A. No, I did not.

15 509 Q. Had you read it in

16 July 2018, at the time that the other article we

17 just looked at was published?

18 A. I don't recall. I don't

19 subscribe to the Spec, so...

20 510 Q. Do you recall this

21 article being discussed by anyone at the City?

22 A. I don't recall

23 specifically a discussion on this article.

24 511 Q. Registrar, if you can

25 call up images 3 and 4. Can you call up the last

1 image.

2 THE REGISTRAR: Sorry, as in  
3 the last image of the document or the previous  
4 image?

5 MS. LECLAIR: Apologies. The  
6 last image of the document. My apologies, I  
7 appear to have an incorrect reference. If you  
8 just give me one moment, I'll pull that up.

9 Registrar, if you can call up  
10 image 3. If you can call up the first three  
11 lines, please.

12 BY MS. LECLAIR:

13 512 Q. So, I understand,  
14 Mr. Becke, from your evidence that you had not  
15 read this article either in 2017 when it was  
16 published or in 2018. Is that correct?

17 A. I have not read this  
18 article, no.

19 513 Q. Okay. Do you recall if  
20 Mr. Moore ever said something, anything similar to  
21 you, as the last line:

22 "No one ever releases  
23 that type of  
24 information"

25 A. I don't recall Gary

1 saying that, no.

2 514 Q. Okay. Registrar, we can  
3 take that down. Registrar, if we can go to  
4 overview document 9, pages 25 and 26.

5 At paragraph 64, which starts  
6 on 25 and continues on to 26, you made reference  
7 to a discussion with Ms. Bell. I'll give you a  
8 moment to review the e-mail and I can call out the  
9 document in particular once you've had a chance.

10 A. Is there something you  
11 would specifically like me to read or the whole  
12 document?

13 515 Q. Sure. I can call out the  
14 specific part.

15 Registrar, if we can call out  
16 the paragraphs underneath "with respect to the  
17 technology."

18 If you can review that,  
19 Mr. Becke.

20 A. Okay.

21 516 Q. Okay. You also noted  
22 that you spoke with Pamela Marks in that e-mail.  
23 Do you recall when you spoke to Ms. Marks?

24 A. It may have been at a  
25 conference.



1 517 Q. Do you recall when that  
2 would have been?

3 A. It may have been in the  
4 spring or late spring or early summer. There's a  
5 couple conferences that occur at that time.

6 518 Q. When you say spring or  
7 late spring, you mean in 2018, to confirm?

8 A. Yes, of that year. Yes,  
9 correct.

10 519 Q. Okay. Registrar, you can  
11 close this and if we can go to pages 51 to 52 in  
12 overview document 9.

13 And starting at paragraph 119,  
14 I understand that you e-mailed Ms. Bell on  
15 July 30, 2018 asking about the possibility of City  
16 staff visiting the MTO hot in-place recycling  
17 project in Thunder Bay, which I believe you  
18 referenced earlier. You also asked if she had any  
19 contacts with the British Columbia Ministry. Do  
20 you recall sending that e-mail?

21 A. To Ms. Bell?

22 520 Q. Correct.

23 A. Yeah. We had a couple of  
24 exchange of e-mails.

25 521 Q. And why were you

1 contacting Ms. Bell at this time?

2 A. Again, the Ministry was  
3 looking at hot in-place for one of their projects,  
4 and obviously I was trying to follow up and see  
5 what it was all about and what the contractor is  
6 like and the process and stuff like that, educate  
7 myself.

8 522 Q. What did you understand  
9 about the Ministry's -- sorry. I will back up for  
10 a moment.

11 Ms. Bell provided you with  
12 some information regarding hot in-place recycling  
13 and also attached OPSS 332. Do you recall  
14 reviewing that document at the time?

15 A. If she sent it to me in  
16 the e-mail, then I would have reviewed it, yes.

17 523 Q. Okay. And what was your  
18 understanding on the MTO's specifications or  
19 guidelines regarding hot in-place recycling at  
20 this time?

21 A. If I remember correctly,  
22 the spec was an older spec and it was -- I don't  
23 think it fell in line with this newer technology  
24 that was coming.

25 524 Q. What do you mean by that?

1                   A.    The older technology was  
2                   a much more aggressive technology where they  
3                   really super heated the asphalts, where the  
4                   technology we were looking at with EcoPave was  
5                   more of thin layers being removed and then mixing  
6                   of existing asphalt with new asphalt.  I believe  
7                   the old OPSS that I was sent was an older spec.

8   525                Q.    I'm just going to take  
9                   you to that attachment.  It's HAM1391, Registrar.

10                   Mr. Becke, just at the very  
11                   bottom of this page it includes:

12                                "The HIR process shall  
13                                not be used to recycle  
14                                SMA or composite  
15                                pavements."

16                   In your conversations with  
17                   Ms. Bell, did you ever discuss this or ask her why  
18                   the MTO took this position?

19                   A.    Why they took the  
20                   position?  I don't recall if I asked that specific  
21                   question.

22   526                Q.    Do you recall if that was  
23                   ever a concern for the City?

24                   A.    At this time, we were  
25                   actually looking at, again, changing the asphalt

1 from an SMA to a 12.5 FC2, so it was going to be a  
2 different process all together.

3 527 Q. And, Registrar, if we can  
4 go back to the overview document, page 53.

5 And at paragraph 125, there's  
6 an exchange between you and Dr. Henderson from  
7 Golder relating to the sampling in context of the  
8 hot in-place recycling suitability study. I  
9 understand that you attended the sampling onsite  
10 on July 22 and August 19. Is that correct?

11 A. Correct.

12 528 Q. What was your role  
13 onsite?

14 A. To make sure that the  
15 traffic coordination was occurring and that the  
16 contractors were onsite to do the work, and then  
17 just to see what was happening. The process that  
18 we needed to take place, we did not want to get  
19 into the rich bottom mix, which was the underlying  
20 mix of the perpetual pavement, so we wanted to  
21 make sure we were staying within the middle  
22 section of mix, I guess you could say, the binder  
23 course mix and the surface course. We did not  
24 want to dig into the rich bottom mix layer, so I  
25 was also there to make sure that was not

1 occurring.

2 529 Q. Okay. And who else from  
3 the City attended onsite? Do you recall?

4 A. I think there was some  
5 inspectors. Because I was using maintenance's  
6 contractor to do the work, we had some reps  
7 from -- a rep was in from maintenance and an  
8 inspector was in from maintenance, because they  
9 were also doing other works at the same time.

10 530 Q. And who from Golder  
11 attended?

12 A. Ms. Henderson was onsite,  
13 but she did not stay long. I stayed much later  
14 than she did.

15 531 Q. And do you recall if she  
16 was onsite both times?

17 A. Yeah. From what I  
18 remember, she was there for at least part of the  
19 time the first date and part of the time the  
20 second date.

21 532 Q. And did you discuss prior  
22 testing that Golder had conducted on the RHVP?

23 A. Not that I remember.

24 533 Q. Did you discuss the -- do  
25 you remember the Golder report or the Tradewind

1 report being discussed onsite at either time?

2 A. So, yes. With respect  
3 to -- I was asked if I had seen it and that's when  
4 I said I had not.

5 534 Q. When you say you've been  
6 asked if you had seen it, what does it refer to?

7 A. The report.

8 535 Q. The Golder report or the  
9 Tradewind report, to your knowledge?

10 A. Well, when we were  
11 speaking, the discussion was -- and this was the  
12 August date that we were onsite talking and I  
13 don't remember why we got on to the topic. I had  
14 said all I had heard was that the results were  
15 inconclusive. Ms. Henderson asked, have you seen  
16 the report? I said no. She said, I'll send you  
17 the report.

18 536 Q. And do you recall  
19 discussing any details about the report at that  
20 time?

21 A. No. We did not get into  
22 details.

23 537 Q. And prior to this  
24 discussion, were you aware that there was a  
25 report?

1                   A.    Again, anything I'd heard  
2       had been inconclusive, so I don't know what that  
3       was specific to, if that was --

4   538               Q.    Okay.  Registrar, if we  
5       can go to overview document 9, pages 53 and 54.

6                   On August 27, 2018 you  
7       received an e-mail from Dr. Uzarowski with  
8       Dr. Henderson copied which attached the Tradewind  
9       report.  Dr. Uzarowski wrote:

10                                "As requested, please  
11                                find attached the 2014  
12                                report on friction on  
13                                RHVP and the LINC  
14                                prepared by Tradewind  
15                                Scientific."

16                   As requested suggests that you  
17       requested it.  Do you recall requesting the  
18       report?

19                   A.    Other than that  
20       discussion that I had with Ms. Henderson.

21   539               Q.    Okay.  And was August 27,  
22       2018 the first time you saw the Tradewind report?

23                   A.    Yes.

24   540               Q.    And did you understand at  
25       this time, so August 27, 2018, that the Tradewind

1 report was an appendix to a larger report prepared  
2 by Golder?

3 A. No.

4 541 Q. What did you do when you  
5 received the Tradewind report?

6 A. I did not read it right  
7 away. I was on vacation after I received it.

8 542 Q. Okay. And do you recall  
9 when you first read it?

10 A. The actual date? No, I  
11 don't recall the actual date that I read it. I  
12 believe it was after the Labour Day weekend. I  
13 don't believe I read it right away.

14 543 Q. Okay. Do you believe --  
15 I understand you said it would have been after the  
16 Labour Day weekend that you did read it. Is that  
17 correct?

18 A. That's correct.

19 544 Q. So, within a few weeks  
20 you would have read it. Is that correct?

21 A. Correct.

22 545 Q. Okay. Even if you didn't  
23 read the report right away, when you received it,  
24 did you have an understanding of what the report  
25 was?



1                   A.    I mean, other than what  
2       we had -- Vimy and I had spoken about, which was  
3       basically there was a report that we were talking  
4       about friction.

5   546                   Q.    So, you understood it was  
6       a report related to friction?

7                   A.    Yes.

8   547                   Q.    Okay.  And what was your  
9       understanding of the report when you did read it?

10                   A.    I didn't quite understand  
11       how they were applying the UK standard in the  
12       Province of Ontario or how airport runways fall in  
13       line with the, you know, pavement that vehicles  
14       drive on.  They were talking about a lot of  
15       specifications from the United Kingdom and  
16       airports and, again, entirely different  
17       applications, entirely different locations.  So,  
18       the information, to me, there was no reference to  
19       any provincial standards, there was no reference  
20       to any Canadian standards that I was aware of and  
21       I didn't quite understand how that all fit into  
22       place with how we would apply in the Province of  
23       Ontario.

24   548                   Q.    And what was your  
25       familiarity with friction testing results,

1 standards or reports at this time?

2 A. I'm sorry, what was my  
3 familiarity with --

4 549 Q. Friction testing  
5 results --

6 A. Do you mean in general?

7 550 Q. Yes. Did you have any  
8 experience with friction testing results or  
9 standards at this time?

10 A. No. No, not at all.

11 551 Q. I'll just take you to a  
12 copy of the report that was attached to the  
13 e-mail.

14 Registrar, if you can take us  
15 to HAM53623. If you can go to images 3 and 4,  
16 please. Okay.

17 And, Mr. Becke, even if you  
18 were not familiar with friction testing numbers at  
19 the time, did you understand when you read the  
20 report that there was a difference in the  
21 description of friction test results from the LINC  
22 to the RHVP?

23 A. Yes.

24 552 Q. Were you concerned  
25 regarding the difference at this time?

1                   A.    Again, the question here  
2           is you're comparing a road that was paved two  
3           years prior to a road that had been paved much  
4           longer, so a different application and different  
5           pavement all together.  So, how the two compared,  
6           I wasn't quite understanding how the two compare  
7           when you're looking at an asphalt that was  
8           recently paved and fairly new compared to a  
9           different asphalt that was paved quite a few --  
10          well, not quite a few, but years previously.

11   553                   Q.    Okay.  Registrar, if you  
12          can go to image 13 and if you can call out the  
13          second paragraph, please.  Actually, the first two  
14          paragraphs.

15                                Do you recall reading in the  
16          report:

17                                        "The overall low levels  
18                                        and the variability of  
19                                        friction values along the  
20                                        length of the parkway  
21                                        indicate the need for a  
22                                        further examination of  
23                                        the pavement surface,  
24                                        composition and wear  
25                                        performance"?

1 A. Yes.

2 554 Q. And do you recall

3 reading:

4 "We recommend that a more  
5 detailed investigation be  
6 conducted and possible  
7 remedial action be  
8 considered to enhance the  
9 surface texture and  
10 friction characteristics  
11 of the Red Hill Valley  
12 Parkway based on the  
13 friction measurements  
14 recorded in the current  
15 survey"?

16 A. I read that, yes.

17 555 Q. Even if you didn't  
18 understand the applicability, did you understand  
19 that Tradewind had recommended further  
20 investigation be conducted and possible remedial  
21 action be considered?

22 A. Yes.

23 556 Q. To your knowledge, was  
24 this ever done?

25 A. I do not know.

1 557 Q. Who or what group within  
2 Public Works would have been responsible for such  
3 an investigation?

4 A. I'm not sure who had  
5 undertaken that.

6 558 Q. And, in your view, what  
7 group at the City was responsible for friction  
8 testing?

9 A. I guess it would depend  
10 upon the purpose for why it was being completed.

11 559 Q. What do you mean by that?  
12 Which groups possibly could have been responsible  
13 in --

14 A. Well, if it was a  
15 maintenance operation or a traffic safety  
16 operation. It's not something we would normally  
17 do in design.

18 560 Q. Okay. And did you have  
19 any concerns regarding the RHVP after reading the  
20 Tradewind report?

21 A. I had questions.

22 561 Q. What questions did you  
23 have?

24 A. I still didn't understand  
25 how a UK specification applied in Ontario. Are

1 the numbers that the UK investigation have  
2 comparable to numbers we would have in Ontario and  
3 what are those numbers? Because I'm not aware of  
4 anything that was published.

5 562 Q. Did you raise any  
6 questions with anyone at this time?

7 A. Immediately, no. I was  
8 trying to digest what I had read.

9 563 Q. At any time did you raise  
10 questions?

11 A. I mean, eventually I'm  
12 sure through discussion, but I don't remember  
13 specifically when.

14 564 Q. When did you first  
15 discuss this report with anyone at the City?

16 A. I don't recall. I'm  
17 sorry.

18 565 Q. Did you contact  
19 Dr. Uzarowski, Dr. Henderson or anyone at Golder  
20 regarding your review of the report?

21 A. Immediately, no. I can't  
22 remember if we talked about it during any  
23 conversations, though.

24 566 Q. Do you have a  
25 recollection of any conversations?

1                                   A.    Off the top of my head,  
2       no, I don't.  I'm sorry.

3   567                           Q.    Did you ever contact  
4       anyone at Tradewind --

5                                   A.    No.

6   568                           Q.    -- regarding the report?

7                                   A.    I did not contact  
8       Tradewind, no.

9   569                           Q.    At this time, I  
10       understand from your evidence that you were unsure  
11       about the applicability of the standards discussed  
12       in this report?

13                                  A.    Correct.

14   570                           Q.    That is correct?

15                                  A.    That's correct.

16   571                           Q.    If you had questions  
17       about it at this time or at the time you reviewed  
18       it, I should say, why did you not contact the  
19       consultants that prepared the report?

20                                  A.    I don't know.  Again, the  
21       information provided, I still don't understand how  
22       it applied to Ontario standard.  I don't have an  
23       answer why I didn't.

24   572                           Q.    What did you do with the  
25       report after you received it?

1                   A.    So, I had printed it off  
2           to read it and -- I'm trying to remember.  
3           Normally my normal course of action is when I  
4           receive a report such as this is I would also file  
5           it with the -- if we had a contract that was  
6           happening, I would file it in there on  
7           ProjectWise.

8   573                   Q.    So, you first said that  
9           you printed it to read it. Do you recall where  
10          you kept the hard copy?

11                   A.    That would have been at  
12          my desk.

13   574                   Q.    And, Registrar, if you  
14          can close that call out. Registrar, if we can go  
15          to HAM62648 at image 2. Okay.

16                   And you reference that it  
17          would be your typical practice to save a document  
18          such as this in ProjectWise. This is an audit  
19          trail for the document we just looked at, that  
20          copy of the Tradewind report. You see here that  
21          there's a line indicating that the file in  
22          ProjectWise was created. To your knowledge, is  
23          this the first time that you would have saved this  
24          in ProjectWise?

25                   A.    Yes. I mean, sorry,



1 first time I saved it to ProjectWise, you mean?

2 575 Q. Correct.

3 A. What time specifically?

4 I'm sorry.

5 576 Q. I believe, if you look at  
6 the created line, I think it was month/day/year,  
7 so that would be November 9, 2018. Do you recall  
8 if you saved it in ProjectWise before then?

9 A. So, I guess my question  
10 is where is this file? Like, where is this? Is  
11 this file in the Red Hill file or is this in  
12 another location?

13 577 Q. Do you recall where you  
14 would have saved --

15 A. I would have saved it  
16 under the Red Hill project file.

17 578 Q. Okay. And this, just for  
18 clarification, it is the same -- it is the version  
19 that was attached to that e-mail?

20 A. No, no. Sorry. I'm  
21 asking the ProjectWise has a number of file  
22 folders where different projects, so I just wanted  
23 to make sure that the question -- like, the  
24 location that you're referring me to is the  
25 resurfacing file.

1 579 Q. I'm not sure if I have  
2 information on what folder it was saved in. Give  
3 me one moment. I can confirm if we have that  
4 information. But do you have any recollection on  
5 what specific folder you might have saved it in?

6 A. I would have saved it to  
7 the Red Hill file, like, the resurfacing file.

8 580 Q. Okay. And do you have  
9 any recollection of saving it anywhere in  
10 ProjectWise before November 9?

11 A. Again, I just -- it's my  
12 normal course of action. At the time, our inboxes  
13 would fill up quite regularly and I would have to  
14 move large files off of my computer to the  
15 ProjectWise file, so that's where I would normally  
16 save it and, again, I would normally save it in  
17 the folder with respect to the project that was  
18 being done.

19 581 Q. Okay. Thank you. And,  
20 Registrar, I believe both the last document we  
21 were looking at, so the copy of the Tradewind  
22 report, needs to be marked as an exhibit,  
23 HAM53623, and that should be Exhibit 113.

24 And then this document as well  
25 needs to be marked.

1 THE REGISTRAR: Noted,  
2 counsel. Thank you.

3 EXHIBIT NO. 113: Copy of  
4 the Tradewind report,  
5 HAM53623.

6 EXHIBIT NO. 114: Audit  
7 trail for HAM53623,  
8 HAM62648.

9 BY MS. LECLAIR:

10 582 Q. And to your knowledge --  
11 you referred to a Red Hill file, the resurfacing  
12 file. To your knowledge, was that a folder that  
13 others had access to?

14 A. It would have been  
15 accessible to anybody that had access on  
16 ProjectWise.

17 583 Q. So, there were no  
18 additional restrictions on the resurfacing folder.  
19 Anybody with a ProjectWise login could have  
20 accessed that folder. Is that correct?

21 A. No. There are different  
22 permissions. Sorry. It depends on the folder.

23 584 Q. Okay. And the Red Hill  
24 resurfacing folder, do you know if it had any  
25 access permissions?

1                   A.     It would have been  
2     available to engineering services.  Again, the way  
3     the folder structure was is that there's design  
4     related and different department related or  
5     section related to it, so -- and there's  
6     different -- we just have different permissions as  
7     to what they can do.

8     585                   Q.    Okay.  And, Registrar, if  
9     we can go to RHV443 and if you can call out the  
10    last, I believe, five paragraphs beginning with,  
11    "Then on August 27, 2018."

12                   And, Mr. Becke, for your  
13    reference, this article was written following the  
14    public disclosure of the Tradewind report in April  
15    of 2019.

16                   A.     Okay.

17     586                   Q.    And there are a few  
18    references to you, including:

19                                "Becke was not made  
20                                available to speak to  
21                                this, but McKinnon - the  
22                                City's designated Red  
23                                Hill spokesperson - said  
24                                Becke was doing work on  
25                                the resurfacing design of

1 the RHVP. Specifically,  
2 the City was trying to  
3 find out whether the top  
4 layer of asphalt on the  
5 road could be recycled  
6 using a technology called  
7 hot in-place."

8 And then further:

9 "Mike reports that he was  
10 speaking with a staff  
11 member from Golder  
12 Associates who mentioned  
13 the Tradewind Scientific  
14 report. Mike said he  
15 hadn't seen it/heard of  
16 it. That staff member  
17 asked for Mr. Uzarowski  
18 to forward the report to  
19 Mike the next day,  
20 McKinnon said."

21 Does this accord with your  
22 recollection?

23 A. Yes.

24 587 Q. Did you speak directly  
25 with Mr. McKinnon regarding this?

1                   A.    I don't remember if I  
2       spoke directly to Mr. McKinnon or --

3   588               Q.    Okay.  Mr. McKinnon was  
4       quoted as saying that the report was not directly  
5       relevant to his work, so to your work.  Did you  
6       make that comment to Mr. McKinnon?

7                   A.    I don't remember if I  
8       stated that.

9   589               Q.    Do you agree that the  
10      report was not directly relevant to your work?

11                   A.    Well, the work we were  
12      doing again was mix design verification.  This was  
13      a different report from a different time.  That  
14      report obviously was done years before the work we  
15      were doing and we were getting ready to resurface  
16      the road.

17   590               Q.    Would you consider the  
18      friction of a pavement you are involved in, a  
19      project that considering recycling that asphalt,  
20      relevant?

21                   A.    I mean, that's why we  
22      were doing the testing.  My understanding was part  
23      of the mix design verification was to test that.

24   591               Q.    In your view, had you  
25      been aware of the report sooner, would it have had

1 any impact on the City's investigation into the  
2 use of hot in-place recycling?

3 A. I don't know.

4 592 Q. Okay. Registrar, you can  
5 close this and if we can go to -- actually,  
6 Commissioner, I see that we're just past the  
7 afternoon break and I'm about to move to a  
8 different topic, so I propose this might be a good  
9 place to break.

10 JUSTICE WILTON-SIEGEL: Let's  
11 take our afternoon break for 15 minutes. We'll  
12 return at 3:30.

13 --- Recess taken at 3:17 p.m.

14 --- Upon resuming at 3:30 p.m.

15 MS. LECLAIR: Commissioner,  
16 may I proceed?

17 JUSTICE WILTON-SIEGEL: Yes,  
18 please do.

19 BY MS. LECLAIR:

20 593 Q. Okay. Registrar, if we  
21 can go to overview document 9, page 54, please.

22 At paragraph 128, you'll see  
23 an excerpted e-mail conversation between you,  
24 Mr. McGuire and Ms. Jacob. After being told by  
25 Ms. Jacob that there had been some delays

1 regarding the hot in-place recycling project,

2 Mr. McGuire replied:

3 "Should we just consider  
4 going with a conventional  
5 paving method?"

6 And this is August 30, 2018, a  
7 few days after the e-mail we just looked at that  
8 attached the Tradewind report. Had you shared  
9 with Mr. McGuire or Ms. Jacob that you had  
10 received a report relating to the RHVP pavement at  
11 this time?

12 A. No. Again, I believe I  
13 was on vacation at that time.

14 594 Q. Okay. Do you recall when  
15 you returned from vacation whether you provided  
16 that information?

17 A. No.

18 595 Q. To confirm, no, you don't  
19 recall, or no, you did not provide that  
20 information?

21 A. I don't recall providing  
22 that information.

23 596 Q. Okay. Registrar, if we  
24 can also call up page 55.

25 This is the same day,



1 August 30, 2018. Mr. McGuire sent an e-mail to  
2 you as well as others at the City, so Ms. Jacob,  
3 Mr. Oddi, Mr. Andoga and Erika Waite.

4 Actually, it may be helpful if  
5 we call up this document. It is HAM5971.

6 Apologies, Mr. Becke. I see  
7 that you are not copied on this e-mail. Do you  
8 recall being made aware from anyone on this e-mail  
9 at the time that Mr. McGuire was looking for  
10 asphalt testing reports regarding reviewing the  
11 material on the RHVP?

12 A. No.

13 597 Q. Did Mr. McGuire ever ask  
14 you at this time if you had such results or  
15 reports?

16 A. No.

17 598 Q. Okay. Registrar, if we  
18 can go to overview document 9, page 58.

19 So, the inquiry has received a  
20 copy of an e-mail Mr. Moore received from  
21 Dr. Uzarowski on December 17, 2015, which attached  
22 a copy of the Tradewind report. We understand  
23 that metadata from the document indicates that the  
24 e-mail may have been forwarded the same day, so  
25 August 30, 2018, at 7:13 p.m., but we do not have

1           that document itself, should it exist.

2                               Did you open this e-mail or  
3           forward this e-mail to anyone on August 30, 2018?

4                               A.    No.    Again, I was on  
5           vacation.

6   599                        Q.    Do you recall if you were  
7           the recipient of any such e-mail?

8                               A.    No.

9   600                        Q.    Okay.   And I understand  
10          that the document was saved in ProjectWise within  
11          the director of engineering services folder.   Did  
12          you have access to that folder at this time?

13                              A.    No, I do not.

14   601                        Q.    Did you ever get access  
15          to that folder?

16                              A.    I've never had access to  
17          that folder that I can recollect.

18   602                        Q.    Were you aware that that  
19          folder existed?

20                              A.    We're not able to see  
21          certain folders, so I don't think I could even see  
22          it.   I would need permission for the ProjectWise.

23   603                        Q.    And do you have any  
24          knowledge of who did have access to that folder?

25                              A.    I don't.   I'm assuming

1 the director. That's about it. I'm not sure --

2 604 Q. But you have no actual

3 knowledge of --

4 A. I have no knowledge,

5 correct.

6 605 Q. Registrar, if we can go

7 to page 73, please. Okay.

8 At paragraphs 175 and 176,

9 it's an e-mail that you received on September 11,

10 2018. Mr. McGuire e-mailed you and Mr. Oddi

11 asking:

12 "Have you seen these

13 Golder reports on our

14 asphalt? Did we ever

15 report to PWC?"

16 And then there's a link to

17 what I presume is a folder on the S-drive. Is

18 that correct?

19 A. Correct.

20 606 Q. Okay. When you received

21 this e-mail, do you recall reviewing the documents

22 within that link?

23 A. I don't recall if I

24 actually opened the folder. Some folders I don't

25 have access to as well on the S-drive. Again, it

1 depends on who sets them up.

2 607 Q. So, you don't recall

3 whether or not you --

4 A. Correct. I don't recall.

5 608 Q. Okay. And the link

6 includes PMTR report, Golder. Had you, at this

7 time, reviewed any of the PMTR reports prepared by

8 Golder, to your knowledge?

9 A. PMTR, I'm not sure what  
10 that stands for. I'm not familiar with that one.

11 609 Q. Pavement material  
12 technology review, I believe. So, to your  
13 knowledge you had not reviewed those at this time?

14 A. I would have to see the  
15 reports. I'm sorry.

16 610 Q. And you replied the same  
17 day writing:

18 "I was speaking to  
19 Ludomir last week and he  
20 sent it to me then. This  
21 is the first I have seen  
22 this report. I have read  
23 it and I have questions  
24 for him, but I've not had  
25 a chance to talk to him

1 since. I'm not sure what  
2 was done with that  
3 report. We should talk  
4 about it first."

5 So, in that first sentence,  
6 you wrote "he sent it to me then." What is it?  
7 What report were you referring to?

8 A. I believe I was referring  
9 to the Tradewind report.

10 611 Q. To your knowledge, was  
11 the Tradewind report included at that link?

12 A. I don't know. Sorry,  
13 you're talking about the S-drive link?

14 612 Q. Correct.

15 A. I don't know.

16 613 Q. And you wrote in your  
17 e-mail:

18 "I have read it and I  
19 have questions for him."

20 I take it that, as of  
21 September 11, 2018, you had read the Tradewind  
22 report. Is that correct?

23 A. Yes.

24 614 Q. You also wrote:

25 "I'm not sure what was

1 done with that report.  
2 We should talk about it  
3 first."

4 Do you recall discussing it  
5 with Mr. McGuire at this time, September 11?

6 A. I don't remember if we  
7 spoke about that specifically.

8 615 Q. Do you recall telling  
9 Mr. McGuire at this time what report you were  
10 referring to?

11 A. No, I don't remember if I  
12 specifically said that.

13 616 Q. Okay. And leaving aside  
14 for a moment the 2014 Golder report that appends  
15 the Tradewind report, at this time, had you seen  
16 any other Golder reports or results, including  
17 anything related to the 2017 pavement evaluation?

18 A. No.

19 617 Q. Did you ever receive  
20 results or a report for the 2017 Golder pavement  
21 evaluation?

22 A. No. I don't remember  
23 ever receiving the final results of that report.

24 618 Q. Did you ever receive any  
25 draft results, to your knowledge?

1                                   A.    I don't remember  
2       receiving draft results either.

3   619                           Q.    Okay.  And just to  
4       confirm, you did not receive a draft or final  
5       report in addition to any results.  Is that  
6       correct?

7                                   A.    Correct.

8   620                           Q.    Okay.  Did you tell  
9       Mr. McGuire at this time that you had received the  
10      Tradewind report or, more generally, did you tell  
11      him that you received a report regarding friction  
12      from Golder?

13                                  A.    I mean, other than this  
14      e-mail, I don't remember if I spoke to Gord about  
15      that specifically right away.

16   621                           Q.    Do you recall when you  
17      first discussed the Tradewind report with  
18      Mr. McGuire?

19                                  A.    No, I don't recall my  
20      first discussion with Gord.

21   622                           Q.    Did you discuss the  
22      Tradewind report at this time with anyone other  
23      than Mr. McGuire?

24                                  A.    I do not believe so.

25   623                           Q.    And, to confirm, is your

1 answer specific to this timeframe or more --

2 A. Specific to this  
3 timeframe.

4 624 Q. Okay. And Mr. McGuire's  
5 e-mail is under the subject line "Discuss Asphalt  
6 Audit." What was your involvement with the audit  
7 at this time?

8 A. So, the asphalt audit was  
9 they were interviewing a number of staff involved,  
10 so I was one of the people that was providing  
11 information to the auditor.

12 625 Q. Okay. And how did your  
13 role differ from Mr. McGuire's, if at all?

14 A. I dealt with specific  
15 questions related to the asphalt process that we  
16 would do for our capital projects.

17 626 Q. Did you have any  
18 discussions regarding the Tradewind report in  
19 context of the audit?

20 A. No. I don't believe it  
21 ever came up.

22 627 Q. And did you ever provide  
23 the Tradewind report to audit services?

24 A. I don't believe they  
25 asked for it or that I provided it.



1 628 Q. Registrar, if we can go  
2 to HAM55560. Just need to confirm the  
3 image number, one moment. If we can go to  
4 image 5, please.

5 And, Mr. Becke, to give you  
6 context, this was a timeline that we understand to  
7 have been prepared sometime in May 2019.

8 A. Okay.

9 629 Q. And the timeline in the  
10 middle of the page, I think it says row 59,  
11 there's an entry for September 26, 2018 that  
12 notes:

13 "File containing the  
14 Tradewind Scientific  
15 report is opened by Gord  
16 McGuire from the Public  
17 Works document management  
18 system."

19 To your knowledge, is that  
20 correct?

21 A. I don't know.

22 630 Q. Do you have any reason to  
23 contradict that it was first opened on this date?  
24 For example, had you shown Mr. McGuire the  
25 Tradewind report prior to this?

1 A. I don't believe I showed  
2 him at that time. I can't remember it, though.

3 631 Q. Okay. And prior to  
4 September 26, 2018, did Mr. McGuire ever ask you  
5 for a report related to friction or for friction  
6 results?

7 A. I don't remember Gord  
8 asking me specific.

9 632 Q. When did you first become  
10 aware that Mr. McGuire had discovered the  
11 Tradewind report or had access to the Tradewind  
12 report?

13 A. I don't remember.

14 633 Q. At this time, so in  
15 September of 2018, were you aware of the draft  
16 2014 Golder report that appended the Tradewind  
17 report?

18 A. No.

19 634 Q. When did you first become  
20 aware of the Golder report?

21 A. The 2014 Golder report?

22 635 Q. Correct.

23 A. That had this one  
24 appended to it, the Tradewind. Probably during  
25 the FOI process.

1 636 Q. Okay. And do you recall  
2 how you became aware of it?

3 A. No, I don't. We were  
4 collecting a lot of documents.

5 637 Q. Okay. And do you recall  
6 if you first saw the report in digital copy or was  
7 it a hard copy?

8 A. I don't remember.

9 638 Q. And do you recall at all  
10 when you first spoke to Mr. McGuire and/or  
11 Ms. Jacob about the Tradewind or Golder report?

12 A. No, I don't.

13 639 Q. Do you recall any  
14 discussion you had about the Tradewind or Golder  
15 report with Mr. McGuire or Ms. Jacob?

16 A. In what timeframe?

17 640 Q. At any timeframe.

18 A. I mean, I guess  
19 eventually we were talking about it, yes, but I  
20 don't -- like, if you're asking me about  
21 September 26, the exact date, I don't recollect if  
22 we had a discussion at that time.

23 641 Q. So, I understand that you  
24 don't have a recollection at that time, but do you  
25 recall any discussions that you had with

1 Mr. McGuire or Ms. Jacob?

2 A. I mean, during -- I don't  
3 remember when, but I'm sure we did talk about it.

4 642 Q. To your knowledge, was it  
5 prior to City's receipt of an FOI request?

6 A. No.

7 643 Q. It would have been after?

8 A. It would have been after.

9 644 Q. So, sometime after  
10 November 8, 2018?

11 A. I guess, yeah.

12 645 Q. Okay. And do you recall  
13 anything about those discussions or that  
14 discussion?

15 A. I don't. I'm sorry.

16 646 Q. Do you recall anyone  
17 expressing any concern regarding the Tradewind or  
18 Golder report?

19 A. I don't. I don't think  
20 so. No, I don't recollect specifically.

21 647 Q. And do you recall if you  
22 had raised the Tradewind report with Mr. McGuire  
23 or Ms. Jacob for the first time, or was it raised  
24 with you?

25 A. I mean, obviously in that

1 e-mail I was speaking about it, that we talked  
2 about earlier, on the 11th. I don't recall that.  
3 I mean, we were going through the audit plus it's  
4 a very busy time of year in the design section, so  
5 I don't remember specifics. I'm sorry.

6 648 Q. Okay. So, you think it  
7 is possible that you had discussed it with  
8 Mr. McGuire after September 11 or on September 11,  
9 but you don't recall. Is that correct?

10 A. It's possible but I don't  
11 recall. I'm sorry.

12 649 Q. Okay. Registrar, if we  
13 can go to HAM35496 and HAM35497.

14 So, you're not copied on the  
15 e-mail from Ms. Jacob to Mr. McGuire on  
16 September 27, 2018, but it attached a document,  
17 the document on the right. Did you assist  
18 Ms. Jacob in preparing this document?

19 A. No.

20 650 Q. And at this time, so  
21 September 27, 2018, were you aware of the 2014  
22 Golder report that's described at bullet 1 of the  
23 attachment?

24 A. I was aware of the  
25 Tradewind portion of the report.

1 651 Q. But not the overall --  
2 not the larger report that appended it. Is that  
3 correct?

4 A. I had not seen the larger  
5 report.

6 652 Q. Were you aware that there  
7 was a larger report?

8 A. I believe so. I honestly  
9 can't recall. I'm sorry.

10 653 Q. Do you recall how you  
11 might have come to have that understanding?

12 A. Through the Tradewind  
13 report.

14 654 Q. But you had not had any  
15 discussions with anyone regarding the Golder  
16 report?

17 A. No.

18 655 Q. Okay. Registrar, if we  
19 can go to pages 88 and 89 of overview document 9.  
20 Beginning at paragraph 222, so  
21 Mr. McGuire forwarded an e-mail he received from  
22 Ms. Graham, who in turn was forwarding an e-mail  
23 she originally received from Ms. O'Reilly from the  
24 Spectator. Would it be helpful if I take you to  
25 the e-mail itself?

1 A. Yes.

2 656 Q. Okay. I believe that is  
3 HAM11303. And if you can open both images,  
4 please, Registrar. Thank you.

5 A. Okay.

6 657 Q. Right. Ms. O'Reilly's  
7 original e-mail, she asked about asphalt testing  
8 done on the RHVP?

9 A. Mm-hmm.

10 658 Q. And Mr. McGuire forwarded  
11 you this e-mail chain on October 3, 2018, writing,  
12 "Let's review this today." Do you recall if you  
13 did review that with Mr. McGuire and Ms. Jacob?

14 A. I can't recall if we had  
15 a specific meeting, but we might have had a  
16 discussion.

17 659 Q. Do you recall that  
18 discussion?

19 A. Not in specifics.

20 660 Q. Okay. Do you generally  
21 recall what was discussed?

22 A. No. I mean, I'm assuming  
23 we talked about what was in Gord's e-mail, but  
24 again, I don't remember specifics to the  
25 discussion.

1 661 Q. Okay. And at this time,  
2 October of 2018, had you discussed or raised the  
3 Tradewind or Golder report with Mr. McGuire and  
4 Ms. Jacob in the context of this e-mail?

5 A. In the context of this  
6 e-mail, no. We were talking about the testing we  
7 did on the site with the samples we took.

8 662 Q. And, at this time, you  
9 had a report that reflected testing done on the  
10 RHVP. Why didn't you raise this with Mr. McGuire  
11 or Ms. Jacob?

12 A. I don't know.

13 663 Q. Do you know what  
14 Ms. Jacob referred to in writing:

15 "We should buy some more  
16 time before responding to  
17 this e-mail."

18 A. No.

19 664 Q. Okay. Registrar, if we  
20 can go to page 96 of the overview document,  
21 please.

22 At paragraph 240, you'll see  
23 on October 9, 2018 you sent an e-mail to  
24 Dr. Uzarowski under the subject line "Red Hill  
25 crash, October 1," and you enclosed a link to a



1 Hamilton Spectator article regarding accidents on  
2 the RHVP. Why did you send this to him at this  
3 time?

4 A. I don't know.

5 665 Q. Did you discuss it with  
6 Dr. Uzarowski, other than this e-mail?

7 A. I don't remember if we  
8 had a discussion or not.

9 666 Q. Did you discuss the  
10 article with anyone else at the City?

11 A. I don't remember. I'm  
12 sorry.

13 667 Q. Do you recall how you  
14 became aware of the article?

15 A. No.

16 668 Q. And, Registrar, if we can  
17 please call up page 97 as well.

18 At the next paragraph,  
19 paragraph 241, so this is two days later, you sent  
20 a calendar invite to Dr. Uzarowski for a meeting  
21 set for October 18. The subject was "Review of  
22 RHVP sampling, additional discussion regarding  
23 asphalt reports." What was the purpose of this  
24 meeting?

25 A. Can you bring up the

1 e-mail?

2 669 Q. Sure. I believe it is  
3 HAM11355.

4 A. Sorry, I just want to  
5 make sure I have the right context and the right  
6 e-mail that you're referring me to.

7 670 Q. Yeah. No problem.

8 A. Okay.

9 671 Q. And what was the purpose  
10 of this meeting?

11 A. So, we were approached by  
12 another company that could do hot in-place and  
13 they were going to have a presentation for us as  
14 to their process.

15 672 Q. And at this time, so  
16 October 11, 2018, was it your understanding that  
17 the City was still considering hot in-place  
18 recycling for the Red Hill Valley Parkway?

19 A. I hadn't received any  
20 results yet, so I was still moving forward because  
21 I hadn't received any results yet from the samples  
22 we had taken.

23 673 Q. I see. So, to your  
24 understanding, it was still --

25 A. I was under the

1 impression we were still moving forward. Correct,  
2 yes.

3 674 Q. Okay. Registrar, if we  
4 can go back to page 97, please.

5 And at paragraph 242, so this  
6 is five days after you sent the calendar  
7 invitation but before the meeting, you e-mailed  
8 Dr. Uzarowski, copying Mr. Renaud. Was your  
9 reference to the HIP presentation on Thursday that  
10 calendar invitation we just looked at?

11 A. Mm-hmm.

12 675 Q. Okay. And you told him  
13 in the e-mail that you would like to speak  
14 regarding, among other things, hot in-place  
15 recycling, so the status of the current asphalt  
16 testing for HIP on the RHVP and also the existing  
17 asphalt structure of the RHVP and construction  
18 implications if we go with a shave and pave.

19 Why were you asking about a  
20 shave and pave at this time?

21 A. Probably looking at my  
22 options.

23 676 Q. And were there  
24 discussions about not proceeding with the hot  
25 in-place recycling at this time, in mid-October?

1                   A.    I still hadn't received  
2            asphalt results, so without having those results  
3            in place to determine if the asphalt mix could be  
4            reused, then I still -- I have to start looking at  
5            other options if it's going to delay me.

6    677                   Q.    And is that based on the  
7            timing, this being October --

8                   A.    Timing to go to tender.

9    678                   Q.    You also wrote in the  
10           last paragraph, made reference to an audit  
11           process, and you wrote:

12                                "We have noted that we  
13                                have quite a few of the  
14                                results missing."

15                                What results were missing?

16                   A.    So, my understanding was  
17            that there was some asphalt test results that we  
18            had for all of the projects for a number of years  
19            that were provided to Golder.  So, during the  
20            audit process.  They asked if we could give those  
21            test results back, so I had reached out to Ludomir  
22            because I knew -- I understood that he was the one  
23            that had those test results and we were getting  
24            them back for the audit.

25    679                   Q.    When you say the test

1 results for all the projects, are these projects  
2 related to the RHVP?

3 A. No. All City of Hamilton  
4 projects.

5 680 Q. Okay. And, Registrar, if  
6 we can go to page 89 and if we can also call up  
7 HAM61788 at image 129. Can you actually go to  
8 image 130 of -- maybe it's the next image over.  
9 The next one. I'm looking for an October 18,  
10 2018. Thank you.

11 My mistake. I skipped ahead.  
12 This is related to the next meeting. It was  
13 image 129. Apologies.

14 So, this is an entry from your  
15 notebook for October 9, 2018. Does this reflect a  
16 meeting you attended?

17 A. Yeah.

18 681 Q. What do you recall about  
19 the meeting?

20 A. It was with our auditor,  
21 Domenic, and we were just outlining what the  
22 discussion was going to be for the audit.

23 682 Q. Okay. And do you recall  
24 if you discussed the Tradewind or 2014 Golder  
25 report at this time?

1 A. No, we did not.

2 683 Q. In the third line from  
3 the bottom, there's "Ludomir-Golder records." Is  
4 this in reference to what we just discussed, the  
5 asphalt results from the City generally?

6 A. The three -- yeah.  
7 Sorry. The asphalt results that were missing in  
8 the previous e-mail, yes.

9 684 Q. Okay. If we can now go  
10 to 61788 at, I believe it was, image 138. And you  
11 can take down the overview document for now.

12 Are these your notes from a  
13 meeting on October 18, 2018?

14 A. Yes.

15 685 Q. What do you recall about  
16 that meeting?

17 A. We met with the other  
18 contractor and I was outlining their -- my notes  
19 reflect their process for the hot in-place, which  
20 was different than the EcoPave version.

21 686 Q. Do you recall who  
22 attended this meeting?

23 A. I don't recall everyone  
24 that was in the meeting. There was a number of  
25 people. I believe they would be part of my

1 meeting invite that was sent out.

2 687 Q. Okay. And do you recall  
3 at this time, October 18, 2018, if hot in-place  
4 recycling was still being considered for the RHVP,  
5 to your knowledge?

6 A. Again, at the time I had  
7 still not received the results, so we were looking  
8 at options, yes.

9 688 Q. At this meeting, did you  
10 discuss with Dr. Uzarowski the Golder or Tradewind  
11 report?

12 A. I don't remember if I did  
13 or not.

14 689 Q. I recall it was your  
15 evidence that you had questions related to the  
16 applicability of the standards in the Tradewind  
17 report. Is that correct?

18 A. I did say I had  
19 questions, yes.

20 690 Q. And do you recall if you  
21 asked Dr. Uzarowski about those questions at this  
22 meeting?

23 A. I don't remember, no.

24 691 Q. Is it possible that you  
25 did ask him at the meeting?

1                                   A.    It's possible but, again,  
2        I don't remember.

3    692                           Q.    Okay.  Registrar, if we  
4        can go to HAM1455.  Apologies, it's 1455.  Thank  
5        you.  Registrar, I believe this document needs to  
6        be marked as an exhibit, so that would be 115 by  
7        my count.

8                                   THE REGISTRAR:  Noted,  
9        counsel.  Thank you.

10                                   EXHIBIT NO. 115:  E-mail  
11                                   to Mr. Becke from  
12                                   Ms. Bell on October 23,  
13                                   2018, HAM1455.

14                                   BY MS. LECLAIR:

15    693                           Q.    This is an e-mail you  
16        received from Ms. Bell on October 23, 2018 and she  
17        wrote:

18                                   "Thought I would check in  
19                                   with you on your HIR  
20                                   investigation as we just  
21                                   got asked about a HIR  
22                                   project by the Hamilton  
23                                   Spectator.  Let me know  
24                                   how it's going when you  
25                                   get a chance."



1 Do you recall if you spoke to  
2 Ms. Bell after receiving this e-mail?

3 A. I believe I did speak to  
4 Ms. Bell afterwards.

5 694 Q. And what do you recall  
6 about that?

7 A. I remember I was in a  
8 meeting and I had to leave the meeting when the  
9 call came in. I don't remember specifics, other  
10 than the fact that she asked why they were getting  
11 a call from the Spectator and I wasn't sure why  
12 they were getting that call.

13 695 Q. Okay. And is it your  
14 recollection that she called you? Is that the  
15 case?

16 A. That, I can't remember if  
17 she called me or if I called her.

18 696 Q. Okay. I believe you said  
19 that you left a meeting for the call --

20 A. I remember I left a  
21 meeting, yes.

22 697 Q. Okay. And would that be  
23 because she called you or because you had received  
24 this e-mail?

25 A. I don't remember.

1 698 Q. Okay. And did you  
2 provide Ms. Bell any information regarding the  
3 status of the hot in-place recycling  
4 investigation?

5 A. I don't remember the  
6 conversation specifics. Again, I had to leave a  
7 meeting. I remember that because I remember I was  
8 on the fourth floor of the office, which is not  
9 where we are, for the call. I don't remember if  
10 we got into the hot in-place, where the City was  
11 at.

12 699 Q. Registrar, if we can also  
13 call up MTO38687 at image 13.

14 Mr. Becke, these are again  
15 Ms. Bell's notes. They're not your notes, to  
16 confirm.

17 Is it possible if you can just  
18 call that out.

19 And towards the bottom of the  
20 page, there's a bullet almost at the bottom to the  
21 left. It says "HIR" and then it says:

22 "Samples came back,  
23 friction numbers,  
24 concerns."

25 Did you tell Ms. Bell that you

1 or the City had concerns with friction numbers?

2 A. I don't remember if I did

3 or not.

4 700 Q. Did you have concerns

5 regarding friction numbers at this time?

6 A. I mean, at this time I

7 was aware of that.

8 701 Q. When you say you're aware

9 of that, you mean you were aware of the Tradewind

10 report?

11 A. I was aware of the

12 Tradewind report.

13 702 Q. And were you concerned

14 regarding the friction numbers?

15 A. Again, you know, going

16 back to what I had said previously, they were UK

17 values and stuff. I still -- there is no

18 provincial standard that we could follow with

19 that.

20 703 Q. And did you tell Ms. Bell

21 that you had a report or did you reference the

22 Tradewind report with her?

23 A. I don't remember.

24 704 Q. Did you ever provide it

25 to her?

1 A. No.

2 705 Q. And there's a note that  
3 references "50/50 to get PSV-polished." Do you  
4 have any recollection of what that note may refer  
5 to?

6 A. No.

7 706 Q. There's also a note that  
8 says "70/30" with an arrow that I believe might  
9 say "beneficiating." Were you discussing the mix  
10 requirements for hot in-place or the aggregate  
11 percentages?

12 A. Those numbers are similar  
13 to what we had spoke to Ludomir previously.

14 707 Q. Okay. And at this time,  
15 so this is now October 23, was it your  
16 understanding that the City was still  
17 investigating the use of hot in-place recycling to  
18 resurface the RHVP or had that decision, the  
19 decision not to proceed with that, been made at  
20 this time?

21 A. I was probably leaning  
22 towards shave and pave by that time, but again, I  
23 had not received any final results yet for any of  
24 the tests. They hadn't come back.

25 708 Q. When you say you were

1 leaning towards shave and pave, was it your  
2 decision --

3 A. No, it would not have  
4 been my decision to make.

5 709 Q. Whose decision would it  
6 have been?

7 A. It would have been a  
8 group decision in engineering services.

9 710 Q. The department as a whole  
10 or the division as a whole?

11 A. The division as a whole.

12 711 Q. Do you recall who, if  
13 anyone, eventually made that decision?

14 A. I don't know if it was a  
15 specific person or, again, if it was a group  
16 decision.

17 712 Q. Okay. Registrar, if we  
18 can close this and go to page 230 of the overview  
19 document. I seem to have my references -- can we  
20 go to page 93. It is paragraph 230 rather than  
21 page.

22 You e-mailed the same day, on  
23 October 23, 2018, you e-mailed Mr. McGuire and  
24 Ms. Jacob regarding a call you received from the  
25 MTO. Would that be referring to the call with

1 Ms. Bell?

2 A. Sorry, I read the wrong  
3 line. 230, right?

4 713 Q. Correct.

5 A. Okay. Sorry, what was  
6 your question?

7 714 Q. In your e-mail, were you  
8 referring to your call with Ms. Bell?

9 A. Yes.

10 715 Q. Did you discuss the call  
11 further with Mr. McGuire or Ms. Jacob?

12 A. I'm sure I told them that  
13 I had received a phone call from Heather.

14 716 Q. Do you recall if you  
15 discussed the content of that call?

16 A. I don't recollect in what  
17 detail I got into them with it.

18 717 Q. Do you recall if you  
19 raised friction concerns or anything related to  
20 friction?

21 A. No, I did not or no, I do  
22 not remember.

23 718 Q. So, it's possible but you  
24 don't remember?

25 A. I don't remember.

1 719 Q. Okay. Registrar, if you  
2 can call up the next page.

3 And at paragraph 235, you  
4 e-mailed Ms. Graham under the subject line, "I  
5 knew I wasn't crazy," and you wrote:

6 "Just checking the Spec  
7 before I leave for the  
8 day. This is the title  
9 now."

10 And you attach the  
11 image that's excerpted now. Were you checking the  
12 Spectator's website because you anticipated an  
13 article?

14 A. So, at this time, we were  
15 receiving new media updates, so it was probably  
16 one of the media updates we had received.

17 720 Q. Were you concerned about  
18 media coverage at this time?

19 A. No. I would just go  
20 through the different media things. It's a mailer  
21 that we get now that has all the different  
22 Hamilton references and stuff.

23 721 Q. Okay. And the subject  
24 line, "I knew I wasn't crazy," do you recall what  
25 you were referring to?

1 A. The title of the article.

2 722 Q. And what were you  
3 referring specifically to about the title?

4 A. In the morning, the title  
5 had said, "Is something wrong with the asphalt on  
6 the Red Hill? We may never know." I brought that  
7 to Ms. Graham's attention. She said, that's not  
8 what it says. And then that afternoon when I was  
9 following up before I was leaving, I saw that the  
10 title was the same again.

11 723 Q. So, it's your  
12 recollection that the title of the article had  
13 changed. Do I understand that correctly?

14 A. When I went and spoke to  
15 Ms. Graham, yes, it had changed. And then when we  
16 went to look back at it, it was the same again.

17 724 Q. Okay. Registrar, if we  
18 can go to HAM35536.

19 The City received an FOI  
20 request number 18189, which related to asphalt and  
21 friction testing, and it was received -- it was  
22 sent to the Public Works department on November 8,  
23 2018. Were you made aware of this FOI request?

24 A. I don't remember if I  
25 received this specific document, but I believe



1           there was an e-mail that sent out.

2       725                           Q.    Okay.  Do you recall when  
3       you first became aware, even if not this document  
4       in particular but the fact that there was an FOI  
5       request?

6                           A.    It would have been when  
7       everyone received the e-mail.

8       726                           Q.    Okay.  And I understand  
9       from documents later in time that you had some  
10      involvement in the collection of documents  
11      responsive to this FOI.  Is that correct?

12                           A.    I supplied the  
13      information that I had.

14      727                           Q.    And do you recall what  
15      kind of documents you were responsible for  
16      collecting?

17                           A.    Anything that we had in  
18      relation to the request.

19      728                           Q.    And did you provide the  
20      Tradewind report?

21                           A.    I'm assuming it was part  
22      of the package that was provided.

23      729                           Q.    But you don't recall  
24      whether you provided it or not?

25                           A.    I think I provided links

1 to all the folders that we had, all the  
2 information.

3 730 Q. Would you have provided  
4 the printed hard copy?

5 A. We provided all hard  
6 copies that we did have, so that, I'm assuming,  
7 would have gone in there as well.

8 731 Q. Okay. Do you recall  
9 specifically whether it did?

10 A. There was a lot of  
11 information we collected. I can't remember  
12 specifically what went into the FOI that we  
13 provided.

14 732 Q. I think I understood  
15 before that after the receipt of -- sometime after  
16 the receipt of this FOI request, that you had  
17 discussions with Mr. McGuire and Ms. Jacob  
18 regarding the Tradewind report. Is that correct?

19 A. Sorry, are you talking to  
20 something specific?

21 733 Q. I believe you told me  
22 earlier that at some time after the City received  
23 an FOI request relating to friction testing that  
24 you spoke to Mr. McGuire or that you would have  
25 spoken to Mr. McGuire and Ms. Jacob regarding the

1 Tradewind --

2 A. It would have come up,  
3 yeah. I don't remember a specific discussion  
4 after this time, but it would have come up, I'm  
5 assuming.

6 734 Q. Okay. And, Registrar, if  
7 we can go to page 116 of overview document 9.

8 You wrote to Ms. Jacob  
9 forwarding an e-mail you received from Mr. Moore  
10 on November 24, 2017 writing:

11 "I just found this going  
12 through everything."

13 When you wrote going through  
14 everything, was that in response to the FOI?

15 A. Correct.

16 735 Q. What did you mean by I  
17 just found this? Were you previously unaware that  
18 you had received it?

19 A. I think I just hadn't  
20 filed it in the normal location, I guess.

21 736 Q. If we can go to page 127,  
22 Registrar.

23 A few days later, on  
24 November 12, Ms. Jacob e-mailed Mr. McGuire,  
25 copying you, attaching a document with a chart

1 titled Chronology of Events, which is excerpted  
2 below. Did you have any involvement in preparing  
3 that document?

4 A. I don't recall specific  
5 if I was requested to provide document, like, to  
6 help fill this out.

7 737 Q. Do you know what  
8 information it's based on? Do you know how it was  
9 put together?

10 A. I can't remember how  
11 Susan pulled it together.

12 738 Q. Okay. And if we can call  
13 up images 128 and 129.

14 In the middle of the page of  
15 128, there's an entry for March 8, 2018:

16 "Mike to Gary on  
17 Ludomir's opinion on  
18 HIP."

19 Do you know what that refers  
20 to?

21 A. Sorry, which one was  
22 that? I'm sorry.

23 739 Q. Registrar, if you could  
24 highlight. Thank you.

25 A. No, I don't know what

1 that refers to.

2 740 Q. And then on the next  
3 page, I believe it's five rows from the top,  
4 there's an entry for August 27, 2018:

5 "Vimy forward Mike  
6 friction analysis by  
7 Tradewind Scientific."

8 Is it fair to say by this  
9 time, the 12th of November 2018, that you had  
10 informed Ms. Jacob of this?

11 A. Yes.

12 741 Q. And then two rows below,  
13 August 30, 2018, in the column on the right  
14 there's:

15 "Decision to revert to  
16 shave and pave rather  
17 than HIP."

18 Is it consistent with your  
19 recollection that this decision was made on  
20 August 30?

21 A. No. And, again, I don't  
22 think I was involved in that conversation.

23 742 Q. Registrar, if we can go  
24 to HAM62030 at image 6.

25 At line 67, this is a summary

1 document prepared by Mr. McGuire. He wrote:  
2 "After this discovery,  
3 either myself or Diana  
4 Cameron found or were  
5 given via Michael Becke  
6 the full 2014 Golder's  
7 report that outlined the  
8 rest of the condition  
9 assessment for the RHVP."

10 Do you recall giving the full  
11 2014 Golder's report to Mr. McGuire or to  
12 Ms. Cameron?

13 A. No, I don't.

14 743 Q. Can you provide any  
15 context for why Mr. McGuire may have noted that?

16 A. I can't, other than --  
17 no, I really don't. These are Mr. McGuire's  
18 notes. I don't know.

19 744 Q. Registrar, if we can go  
20 to HAM11841.

21 THE REGISTRAR: Sorry,  
22 counsel. What's the doc ID?

23 MS. LECLAIR: 11841, please.

24 THE REGISTRAR: Thank you.

25 BY MS. LECLAIR:

1 745 Q. You were invited to a  
2 meeting on December 7, 2018 titled "Hamilton RHVP  
3 roadside safety review, progress meeting agenda."  
4 What was your involvement with the CIMA report at  
5 this time?

6 A. I had not had any  
7 involvement at that time.

8 746 Q. Was this the first time  
9 you became involved?

10 A. I believe so.

11 747 Q. Okay. And, Registrar, if  
12 you can call up CIM17524 at image 16.

13 Mr. Becke, do you recall if  
14 you attended the meeting with CIMA on December 7,  
15 2018?

16 A. I don't recall  
17 specifically if I was at that meeting. I mean,  
18 I'm in a lot of meetings during the day and I go  
19 to a lot of meetings for consultants and stuff, so  
20 I don't remember if I was specifically at this  
21 meeting.

22 748 Q. Okay. A slide from the  
23 presentation which is here includes:

24 "Findings suggest that  
25 inadequate skid

1 resistance (surface  
2 polishing, bleeding,  
3 contamination) and  
4 excessive speeds may be  
5 contributing factors to  
6 collisions."

7 Do you recall this?

8 A. I don't remember this  
9 slide, no.

10 749 Q. Okay. Do you recall ever  
11 raising the Tradewind report with CIMA?

12 A. No.

13 750 Q. Did you know whether CIMA  
14 had that report?

15 A. I don't. CIMA was not  
16 engaged through us.

17 751 Q. Okay. To your knowledge,  
18 after the report, after you became aware of the  
19 report and after Mr. McGuire later became aware of  
20 the report in September 2018, were any steps taken  
21 to ascertain the safety of the roadway?

22 A. Through which department?

23 752 Q. Through any department.  
24 Just, to your knowledge, were any steps taken?

25 A. I don't know.



1 753 Q. Registrar, if we can go  
2 to overview document 9, page 202, please.

3 And you exchanged e-mails with  
4 Ms. Jacob and Mr. McGuire on December 12, 2018 and  
5 you had advised that you asked Ludomir to make  
6 this report, even if it's a draft, a priority for  
7 before the Christmas break:

8 "I will follow up with  
9 Ludomir this afternoon on  
10 its status and will let  
11 you know."

12 Why were you looking for the  
13 draft report at this time?

14 A. I still had not received  
15 any sample information.

16 754 Q. Had anyone at the City  
17 told you about -- I guess more generally, at this  
18 time, did you know if the City decided not to  
19 proceed with hot in-place recycling?

20 A. By December, I believe  
21 that was the decision that was made.

22 755 Q. And why were you still  
23 looking for the report if the City had decided no  
24 longer to proceed with that option?

25 A. I had paid for a report.

1 I wanted the documentation for what we had paid  
2 for.

3 756 Q. Okay. And how was the  
4 report going to be used by the City, if not in  
5 context of the RHVP resurfacing?

6 A. Well, it's a good  
7 information report. I mean, again, we paid for a  
8 document. We did all this testing and all that.  
9 I would like to know what the outcome was of the  
10 asphalt that we were testing.

11 757 Q. Registrar, if we can go  
12 to GOL5768 and 5769.

13 Was this the first time, so  
14 this is December 21, 2018, you received results  
15 relating to the hot in-place recycling suitability  
16 study?

17 A. Formal results, yes.

18 758 Q. Had you received informal  
19 results prior?

20 A. I was shown a graph.

21 759 Q. When was that?

22 A. Back in October, I would  
23 say, Ludomir showed me a graph of the gradation of  
24 the asphalt. I never received any results. I was  
25 just shown the graph.

1 760 Q. Would that have been at  
2 the October 18, 2018 meeting --

3 A. I believe it was in and  
4 around that time.

5 761 Q. Okay. If we can go to  
6 overview document 9, page 220.

7 And, at paragraph 533, so this  
8 is a few days later on December 24, 2018, you  
9 forwarded Dr. Uzarowski's e-mail to Mr. McGuire,  
10 copying Ms. Jacob and Mr. Renaud. You wrote:

11 "I have read the report.  
12 It is factual based and  
13 does make reference to  
14 PSV."

15 Why did you raise PSV?

16 A. I don't remember why I  
17 raised PSV specifically when I replied back to  
18 Mr. McGuire.

19 762 Q. Commissioner, I note the  
20 time, that we're at 4:30. I have a few more  
21 questions for Mr. Becke. I understand that  
22 Mr. Becke will be returning tomorrow morning, so  
23 I'm in your hands of whether I continue or if we  
24 pick this up tomorrow morning.

25 JUSTICE WILTON-SIEGEL: Well,

1 I think it's probably been a long day for  
2 everyone. Why don't we adjourn for the evening  
3 and stand adjourned until tomorrow morning at  
4 9:30, when you can finish up with your questions  
5 of Mr. Becke and counsel for the participants can  
6 then address their questions.

7 MS. LECLAIR: Thank you.

8 JUSTICE WILTON-SIEGEL: Thank  
9 you. We stand adjourned until 9:30 tomorrow  
10 morning.

11 --- Whereupon the proceedings adjourned at  
12 4:30 p.m. until Wednesday, June 29, 2022 at  
13 9:30 a.m.

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