

STATE OF MISSOURI)
)
COUNTY OF JEFFERSON) SS

AFFIDAVIT OF WILLIAM GINNEVER

Before me, the undersigned authority, personally appeared William Ginnever, who, being by me duly sworn, deposed as follows:

1. My name is William (Jack) Ginnever.
2. My address is 24 Mississippi Avenue, Crystal City MO.
3. I am of sound mind, capable of making this affidavit, and personally acquainted with the facts stated herein.
4. I joined the lawsuit of Concerned Citizens because I live next door to the proposed smelter and I am opposed to it, opposed to the project and its extreme lack of due diligence and I am opposed to the illegally closed meetings that my local government engaged in when allowing it.
5. I first learned of the proposed smelter through rumors that had been spread in August, 2007, and through the local newspaper in late August of 2007. I was certain of the possibility of the proposed smelter after attending a public meeting held by the city of Crystal City on September 5, 2007.
6. I was shocked by a newspaper article from the News Democrat dated August 29, 2007 where the Mayor of Crystal City, Tom Schilly, announced that “as far as the possible purchase of the [PPG] land, citizens will not have a say-so”.
7. The proposed smelter facility would be located approximately 100 feet from the back door to my home. My property is directly adjacent to proposed smelter facility site. Traffic to and from the facility would be next to my home on a street that is currently a dead end street.
8. I am not financed by nor controlled in any way by Tom Kerr or Kathy Kerr, the Crystal City Underground or Fiesta Corporation.
9. I created and maintain the website www.clearpillar.com. I have personally posted all of the information that is on this website except for the information that was posted on the forum. No other person or other entity has paid for me to perform this work.
10. I pay the fees for the hosting service for the website www.clearpillar.com on my own. No other person or other entity has ever paid for this service. I have never received contributions or help from any other person or other entity to help pay for this service.

11. I created the domain [clearpillar.com](http://www.clearpillar.com) many years prior to the smelter controversy with the intention of using it for my personal use. The environmental significance of a “clear pillar” is strictly coincidental. I started the website www.clearpillar.com in late August, 2007, for the purpose of informing the public of the activity of the local and county governments and to inform the public of the possible businesses that were interested in developing property in and around the city of Crystal City.

12. I created the forum on the www.clearpillar.com website in early September of 2007. The purpose of the forum as quoted from the website is “so that people can discuss these [meetings] events. I am personally against a smelter in Crystal City for many reasons. But I intend to let any opinion be heard fairly and honestly in this forum. I will monitor any abusive use of this forum though.”

13. The date of the first message posted to the forum was September 6th 2007. It was posted by me and references the meeting held by the City of Crystal City on September 5, 2007.

14. During the course of this lawsuit, I produced over one half of a gigabyte of electronic documents on December 12, 2008, in response to intervenor’s 31 requests for production of documents and 36 interrogatories. At a conservative estimate of 200 kilobytes per page that would equate to around 2,500 pages of information.

15. I also produced over 800 megabytes of electronic information on September 15, 2009 in response to further requests for production and interrogatories. At a conservative estimate of 200 kilobytes per page that would equate to over 4,000 pages of information.

16. I personally spent at least a total of 12 hours collecting the requested information, organizing it and putting it on electronic media.

17. I had to export a native format version of the database on www.clearpillar.com that the Intervenor requested. This was not a simple task. I do not have ownership of the machine on which it resides. I also went through the courtesy of including software that would make it easier for the Intervenor to read the information. These tasks alone took approximately 3 hours of the 12 hours I mentioned earlier.

18. I was always available for depositions even changing work schedules only to have multiple depositions cancelled at the last minute.

19. I sat for two depositions requested by the Intervenor, for five hours each, and answered every question. Intervenor was not satisfied with my answers to the questions that would have caused me to breach my contracts and subject my neighbors to loss of livelihood or harassment to bodies or homes.

20. I produced everything that the Intervenor requested in electronic form, including the messages posted to the forum. The only things that the Intervenor wanted produced that were not produced (but I did not destroy them) are fields that could have uniquely identified the users

of the forum (e.g. IP addresses and email addresses) and the messages posted in the private part of the website which are not available to the public.

21. The reasons I did not produce the identifying information are:

- 1) The people who post to the forum have signed contracts with me in which it is stated that I will not divulge the information to any third party without their consent. If I divulge that information, I could be subject to dozens or hundreds of lawsuits for breach of contract which will bankrupt me in defending myself.
- 2) I have been personally threatened to be sued several times since the smelter project was announced and I voiced my opposition to it.
- 3) The court order requiring me to produce this identifying information is not written specifically enough to shield me from such lawsuits.
- 4) People in the community have told me that they will lose their livelihoods if their identities are made known. Several people have told me that they fear the revelation of their identities would affect their opportunities at work or even cause them to be fired.
- 5) People in the community have told me they fear harassment to their bodies and homes if their identities are made known. I can state several situations where the city of Crystal City has treated citizens of the city adversely because of their viewpoints. There have also been numerous acts of vandalism that have occurred to the properties of people that have displayed "No Smelter" signs in their yards. Many of these acts have been reported to and documented by the Crystal City Police Department. Verbal threats of harassment have also been documented.

22. I made it clear to the Intervenor at the deposition and on a phone call with Intervenor and Intervenor's computer personnel that:

- 1) If the Intervenor identifies specific posts on the forum and
- 2) the Intervenor identifies the reasons that the posts would be relevant to the Sunshine Law and
- 3) the court agrees with the Intervenor's reasons for why the posts would be relevant to the Sunshine Law and
- 4) the court issues an order to release the information that could identify the users that posted the information relevant to the Sunshine Law and
- 5) the court provides a strict protective order

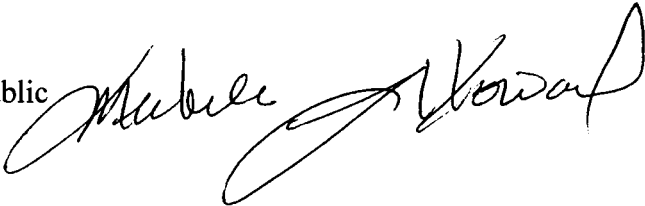
I would provide the information to the Intervenor to help them identify the individual that created the posting to the website. However, Intervenor refused to limit their request in any way.

23. One of the posts to the forum mentioned in Intervenor's pleadings refers to a conversation with the mayor. I was the one that made that post to the forum, I was present during the actual event that was described in the post to the forum and I would be happy to answer any questions that the Intervenor has about that posting or the actual event.

24. One of the posts to the forum mentioned in Intervenor's pleadings refers to a councilperson's comments about the Lease Agreement between Wings and the City of Crystal City. I was present at the council meeting where that councilperson made those comments and I would be happy to answer any questions that the Intervenor has about that posting or the actual event.

William Ginnever
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In witness thereof I have hereunto subscribed my name and affixed my official seal this
6 day of Nov, 2009.

Notary Public 

Seal

