

## John Shaw Consulting, LLC

### **Water, Wastewater, Hydraulic & Forensic Engineering**

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## **Forensic / Expert Witness Projects**

### Pending or Ongoing Cases

#### **SOUTHSIDE SHOPPING CENTER VS PENNSYLVANIA AMERICAN WATER COMPANY (2023)**

This case involves the use of eminent domain by a public utility to procure land for the installation of a combined sewer overflow storage facility. I've been asked to review documents, inspect the site and opine on the potential impacts of such a facility in a shopping center.

##### REFERENCE:

Faherty Law Firm

Hershey, PA

Michael F. Faherty, Esquire

#### **CITY OF LOCK HAVEN, PA VS O'BRIEN & GERE, ET AL. (2023)**

This case involves the design, construction, operation and maintenance and management of a wastewater treatment plant located in Lock Haven, Pennsylvania. At issue is the causation of the plant's inability to meet discharge requirements. Also at issue is the impact of industrial dischargers on the overall operation of the plant.

I've been asked to review documents, inspect the plant and opine on the cause(s) of the alleged failures.

##### REFERENCE:

Land Air Water Legal Solutions LLC

Berwyn, PA

John P. Judge, Esquire

#### **BRIGHTON DEVELOPMENT VS MILESTONE CONSTRUCTION (2023)**

This case involves the design and construction of gravity sanitary sewer pipe in the town of Meridian, Idaho. At issue is the construction, inspection and acceptance of the infrastructure,



which has been found to have sags which are more severe than the specifications allow.

REFERENCE:

McConnell Wagner Sykes & Stacey PLLC  
Boise, ID  
Taylor Brooks, Esquire

### **CEDAR VILLAGE MOBILE HOME PARK VS CORROLLTON, GEORGIA (2023)**

This case involves the acceptance of stabilized activated sludge from one wastewater treatment plant (Cedar Village) by another (City of Carrollton). I've been asked to review materials provided and prepare a report discussing the differences, similarities and risks associated with the arrangement.

REFERENCE:

Law Offices of Louis Levenson  
Atlanta, GA  
Louis Levenson, Esquire

### **ELSINORE VALLEY MUNICIPAL WATER DISTRICT VS WATER WORKS ENGINEERS (2023)**

This case involves the design of improvements, modifications and rehabilitation of a wastewater treatment plant located in southern California. The allegations are that the design is deficient, and that the facility does not perform as it should. I have been asked to review documents and prepare a report regarding the design engineer's work including standard of care issues and errors in design.

REFERENCE:

Resnick & Louis, PC  
Irvine, CA  
Maurice L. Chenier, Partner

### **SAXTON VS J.R. FILANC CONSTRUCTION COMPANY, INC. (2023)**

This case involves the designation of substantial completion of a portion of work which was part of a larger project of work. I have been asked to review documents in order to determine the applicability of the contract requirements and their application with regard to substantial completion and the responsibilities and liabilities associated with that designation.

REFERENCE:

Waltz Reeves  
Denver, CO  
David Murphy, Esquire

### **Upper Blue River Sanitation District vs Mott MacDonald Global Engineering, et al. (2023)**

This case involves the design and construction of improvements to a wastewater treatment plant located just outside of Breckenridge, Colorado. I've been asked to review documents in order to determine the cause of the issues alleged.

REFERENCE:



Kutak Rock, Attorneys at Law  
Denver, Colorado  
Attn: Michael E. Bonifazi

#### **Occidental Chemical Corporation vs 21<sup>st</sup> Century FOX America Inc. et al. (2023)**

This case involves the Superfund site designated as the Lower Passaic River and Greater Newark Bay. The litigation includes 42 separate municipalities and their associated sewer system discharges.

REFERENCE:

Shook, Hardy, & Bacon  
Kansas City, Missouri  
Attn: David R. Erickson, Partner  
Thomas Grever, Partner

#### **City of Riverbank, CA VS Schneider Electric (2023)**

This case involves the installation of an aeration system into an existing facultative pond wastewater treatment plant located in Riverbank, California. The install has not been able to meet the dissolved oxygen concentrations promised by Schneider Electric. I've been asked to review documents and attempt to diagnose the issues that have prevented contract compliance.

REFERENCE:

Diepenbrock Elkin Dauer McCandless, LLP  
Sacramento, California  
Attn: Eileen Diepenbrock, Partner

#### **Falche vs Bullhead City, Arizona (2022)**

This case involves the inundation of home and property with raw sewage from the Bullhead City sewer collection system. I've been asked to review documents that pertain to the events and opine on the actions of the City with regard to their operation, maintenance, management and regulatory compliance of the collection system.

REFERENCE:

Provident Law  
Timothy J. Watson, Senior Attorney  
Scottsdale, AZ 85254

#### **SROGI VS INDIANA ASSOCIATION OF SPIRITUALISTS (IAS) (2022)**

This case involves the explosion and fire in a home. The cause of the fire was determined by the State Fire Marshall to be a natural gas line leak. The allegation is that the gas line failure was due, in part by the sewer line. I have been asked to review documents in order to determine if that allegation is factual.

REFERENCE:

Riley Benet Egloff, LLP  
Justin Sorrell, Partner  
Indianapolis, IN 46204



### **LAKEHAVEN WATER & SEWER DISTRICT VS BHC CONSULTANTS (2022)**

This case involves the design, construction, operation and maintenance of a sludge thickening project at the Lakehaven wastewater treatment plant located in Lakehaven, Washington. I was asked to review the design as well as the operation and maintenance of the system to determine the cause of a force main failure as well as other conditions.

I issued a mediation report.

**REFERENCE:**

Williams Kastner  
Douglas Green, Senior Counsel  
Seattle, WA 98101-2380

### **MASTERSON VS CITY OF PASCO, WA (2021)**

This case involves a whistleblower issue and subsequent firing of an employee who was employed as a lifeguard at a public pool facility located in Dover, New Hampshire. I have been asked to review the whistleblowers allegations with regards to proper operation and maintenance of facilities in compliance with relevant State health codes.

**REFERENCE:**

Washington State Office of the Attorney General  
Nicholas Ulrich, Assistant Attorney General  
Spokane, WA 99201

### **COUNTY OF NASSAU, NEW YORK VS NY READY MIS, ET AL. (2019)**

This case involves the unauthorized discharge of material from the workings of a Portland cement concrete batch plant located in Westbury, New York. I've been asked to review all of the documentation related to the investigation by the County of Nassau in order to determine the actual origins of the material deposited.

I produced a report in September of 2022.

**REFERENCE:**

Cullen & Dykman LLP  
Adam Del Vecchio, Esquire  
New York, NY 10005

### **GULLAH GEECHIE DESCENDANTS VS MACINTOSH COUNTY & THE STATE OF GEORGIA (2017)**

This case involves the potential discrimination against the population of the Hogg Hummock community on Sapelo Island, Georgia in violation of the Fair Housing Act and Federal civil rights laws. I have been asked to review the feasibility of providing potable water to the community and the actions of the County as well as the State, over time in its work to provide utilities.

I've written a report of my findings and opinions as well as a rebuttal report to defendant's expert's report.

**REFERENCE:**

Reed Colfax, Partner



Relman, Dan & Colfax  
Washington DC 20036



## Settled Cases

### TOWN OF LYONS VS HONEYWELL INTERNATIONAL, INC, FEI ENGINEERS, INC., TETRA TECH, INC, JR FILANC CONSTRUCTION (2022)

This case involved the planning, design, construction, operation and maintenance of a wastewater treatment plant located in Lyons, Colorado. I was asked to review documents, perform a site inspection and produce a report regarding the potential liability of JR Filanc Construction regarding the operation and maintenance of the Plant.

The case settled prior to trial.

#### REFERENCE:

Daniel Frost, Partner  
Snell & Wilmer  
Denver, CO  
(303) 634-2000

### AQUEOUS FILM-FORMING FOAM PRODUCT LIABILITY “PFAS” (2019)

These cases (US District Court, District of South Carolina (Charleston), Civil Docket Case Number 2:18-mn-02873-RMG) involved the presence of PFAS in the water and wastewater utility industry. I was asked to review all of the elements involved in several pending as well as forthcoming litigations from utilities throughout the US in order to advise my clients who represent the manufacturers of the chemicals on matters of transport, treatability, cost, contaminant levels, regulatory compliance, etc.

The matter was settled for approximately \$12 billion prior to trial.

#### REFERENCE:

Robert L. Shaughnessy, Esquire  
Williams & Connolly LLP  
Washington, DC 2005-5901  
(202)434-7999

### TOWN OF HULL, MASSACHUSETTS VS SUEZ (2019)

This case involved the inundation of the wastewater treatment facility owned by and located in the town of Hull, Massachusetts. I was asked to review all of the elements involved in event in question in order to determine the root cause of the inundation and whether the contract operator followed their own protocols, industry standards, and regulatory requirements.

This case settled prior to trial.

#### REFERENCE:

Finley Harckham, Shareholder  
Anderson Kill  
New York City, NY 10020  
(212)278-1000



## **CUSTOMERS, ET AL. VS DETROIT WATER & SEWER, GREAT LAKES WATER AUTHORITY (2021)**

This case involved the inundation of several hundred homes and building in the Detroit area. At issue is the proper operation and maintenance of a major sewage pump station (Conner Creek Pump Station). I was asked to review design drawings, regulatory review and approval, operational and maintenance programs and protocols that led to this event.

The case settled prior to trial.

### **REFERENCE:**

Alan J. Charkey, Esquire  
White and Williams  
Philadelphia, PA 19103-7395  
(215) 864-6312

## **ATLANTIC CITY BOARDWALK REDEVELOPMENT CORPORATION VS PS&S, LLC, AGATE CONSTRUCTION CO., (2022)**

This case involved the failure of a major stormwater pump station located in Atlantic City, NJ. I was asked to review documents to determine whether there is sufficient support for litigation against a design professional (Affidavit of Merit).

### **REFERENCE:**

Scott Orenstein, Partner  
Gerber Ciano Kelly Brady, LLP  
(860)785-4629

## **TAHOE STATELINE ENTERPRISES, LLC VS EVOQUA WATER TECHNOLOGIES (2022)**

This case involved the design, construction, operation and maintenance of a wastewater treatment plant located near Lake Tahoe, California. I was asked to review document in order to determine if the facility had been design, constructed, operated and maintained properly.

I produced an arbitration, expert and rebuttal reports and testified at binding arbitration.

The case was decided in favor of Evoqua Water Technologies

### **REFERENCE:**

Robert A. Gallagher, Partner  
Alexander P. Downs, Associate  
Troutman Pepper  
Pittsburgh, OH 15219  
(412) 454-5000

## **CSX VS SPINIELLO GLOBAL, INC. ET AL. (2020)**

## **CSX VS CITY OF BALTIMORE**

These cases involved the alleged illegal discharge of raw sewage into the private working of a CSX coal staging facility located in Baltimore, Maryland. I was asked to review all of the



documentation relating to the discharges in order to determine means, nature and costs of remediation of the events. I produced a report and was deposed.

The case settled prior to trial.

**REFERENCE:**

Matthew J. Tinnelly, Esquire  
Keenan Cohen & Merrick P.C.  
Ardmore, PA 19003  
(215)609-1110

### **CITY OF ABBOTSFORD, CANADA VS CH2M-HILL ET AL. (2020)**

This case involved the design and construction of modifications to an existing membrane water treatment plant located in Abbotsford, (BC) Canada. There was an allegation that the modifications were the cause of a flood event that was responsible for over \$5 M in damages to the facility.

I was asked to review opposing expert reports, design drawings and calculations, contracts, specification, correspondences and submittals regarding the modifications and to author a mediation report. The case settled at mediation.

**REFERENCE:**

George Roper, Shareholder  
Brian Chang, Barrister & Solicitor  
Lilly Zhang, Barrister & Solicitor/Associate  
Scott W. Urquhart, Barrister & Solicitor  
Owen-Bird Law Corporation  
Bentall3, Suite 2900, 595 Burrard Street.  
Vancouver, BC V7X 1J5, Canada  
(604) 688-0401

### **SYMBIONT VS GLACIER CONSTRUCTION (2022)**

This case involves the design, construction and operation and maintenance of an anaerobic digester located in Greeley, Colorado. The digester in question treats a dairy derived commercial waste stream associated with the production of cheese, among other products, at the Leprino facility in Greeley.

I was asked to review documents and in order to determine if the digester's pressure/vacuum relief valves were involved with the structural failure of the digester. I wrote a mediation report, and the matter was settled prior to trial.

**REFERENCE:**

Jerome Joseph, Partner  
Allen Curry  
Denver, CO 80202  
(303) 955-6185

### **NIEMEIER VS CITY OF SIOUX CITY, ET AL. (2022)**

This case involves the inundation of a home in Sioux City, Iowa. The inundation occurred during





a heavy precipitation event coupled with a water service lateral break. I was asked to review correspondences, incident reports, photographs and videos in order to determine what responsibility, if any, the City may have had with regards to damages to the home.

The matter was settled prior to trial.

**REFERENCE:**

Steven R. Postolka, Assistant City Attorney  
City of Sioux City, Iowa  
(712) 279-6318

### **MERITAGE VS BOUDREAU PIPELINE (2019)**

This case involves the design, construction, commissioning and operation and maintenance of a wastewater pump station and forcemain located in LaVerne, California. I was asked to review all of the elements involved in order to determine how the project came to failure.

I produced a report. The case settled prior to trial.

**REFERENCE:**

James Bohm, Esquire  
Bohm Wildish & Matsen, LLP  
695 town Center Drive, Suite 700  
Cost Mesa, CA 92626  
(714)384-6500

### **DELAND YMCA VS CITY OF DELAND (2019)**

This case involves the inundation of a YMCA located in DeLand, Florida, with raw sewage from the City owned sanitary sewage collection system. I was asked to review all of the elements involved in the event in order to determine if the actions of the City were consistent with industry standards and regulatory requirements.

I produced a report. The case settled prior to trial.

**REFERENCE:**

Greg Snell, Esquire  
Snell Legal PLLC  
1651 N. Clyde Morris Blvd., Suite 1  
Daytona Beach, FL 32117  
(386)244-9118

### **LOPEZ V CITY OF PLANT CITY, FL (2019)**

This case involves the rapid depressurization of a large diameter reuse water main which caused significant bodily harm to two construction workers. I was asked to review the planning, design, construction, operation and maintenance of the facility in order to determine whether the City met the industry standards for operation and maintenance of the main.

I produced a report. The case settled prior to trial.

**REFERENCE:**



Thomas P. Scarritt, Jr., Esquire, Martin J. Chapagne, Jr., Esquire  
Scarritt Law Group  
1405 W. Swann Ave.  
Tampa, FL 33606  
(214)651-3307

### **UNITED STATES VS CUELLAR, ET AL. (2020)**

This case involved the planning, design and construction of both water and wastewater utility infrastructure in Weslaco, Texas. The Federal government alleges, among other things, that the procurement process for professional services as well as construction services was corrupt and included bribes and financial kickbacks. I have been asked to review the relevant documents in order to determine if, in fact, those allegations appear to be true.

A jury found both defendants guilty of bribery, money laundering and wire fraud. Judge Micaela Alvarez sentence A.C. Cuellar to 20 years in prison, fined \$915,000 and order to pay \$4.1 M in restitution.

I attended three days of the trial as well as the subsequent sentencing hearing at the request of my client.

#### **REFERENCE:**

Carlos A. Garcia, Esquire  
Law Offices of Carlos A. Garcia, PLLC  
1305 E. Griffin Pkwy.  
Mission, TX 78572  
956) 265-3550

### **SUCKLE ET AL. VS PERDUE FOODS, LLC (2020)**

This case involves the use and measurement of water from a well. I was asked to review the design and construction of the infrastructure and opine on the most probable water usage for a specific period of use.

I was deposed in January of 2022. A jury found in favor of the Plaintiff in the amount of \$2.7 million.

#### **REFERENCE:**

Daniel Newman, Esquire  
Bohm Law Group  
4600 Northgate Blvd., Suite 200  
Sacramento, CA 95834  
(866) 920-1292

### **MILLER VS ALLSTATE INSURANCE (2021)**

This case involved the inundation of a home with raw sewage. I have been asked to review the site as well as the utility services and supporting data of the event and provide an opinion, in the form of a report, as to the source of the sewage.

This case settled prior to trial.

#### **REFERENCE:**



Susan Miller, Esquire  
Dentons  
Los Angeles, CA 90017  
(213) 623-9300

### **CITY OF LARGO, FLORIDA VS GREELEY & HANSEN (2021)**

This case involves the design and construction of two components of an existing wastewater treatment plant. Those components include both the effluent pump station as well as the effluent disinfection train. I've been asked to review design drawings and calculations, correspondences and performance of those improvements.

This case settled prior to trial.

#### **REFERENCE:**

Alan Zimmet, Member  
Jamie Kilpatrick, Member  
Bryant Miller Olive  
Tampa, FL

### **CARTER VS BAHAMAS PARADISE CRUISE LINE (2021)**

This case involved the design and operations of a potable water system on board a cruise line ship. I was asked to review Centers for Disease Control (CDC) inspection reports for the particular ship and provide opinion with regards to those reports.

I was deposed on March 24, 2021.

#### **REFERENCE:**

Madelyn Peterson, Esquire  
EPGD Business Law  
777 SW 37th Ave., Suite 510  
Miami, FL 33135  
(786) 8376787

### **SOUTH CAROLINA DEPARTMENT OF CORRECTIONS VS CITY OF RIDGELAND, SOUTH CAROLINA (2021)**

This case involved the rate structure and fees associated with providing water and sewer services to the prison located in Ridgeland, SC. I was asked to review historical rate structures, their basis and calculations in order to determine the accuracy and validity of the fees.

#### **REFERENCE:**

Michael C. Tanner, Esquire  
Michael C. Tanner, Attorney At Law  
392 Second Street  
Bamberg, SC 29003  
(803) 245-9153



### **BUCKMAN DIRECT DIVERSION BOARD VS CDM ET AL. (2021)**

This case involved the design and construction of the City of Santa Fe's potable water treatment plant. This major public works project (\$216 M) was a joint venture between Camp Dresser McKee (CDM) and CH2M-Hill (Parsons). I was asked to communicate with a team of specialized experts in order to coordinate and direct work, review project (planning, studies, design and construction) documents, operational and maintenance records and regulatory review and approval. This case settled in advance of trial.

**REFERENCE:**

David Owen, Partner  
Bradley Arant Boult Cummings, LLP  
One Federal Building Place  
5th Avenue North  
Birmingham, AL  
(205) 521-8333

### **ATTORNEY GENERAL - STATE OF ARIZONA V JOHNSON UTILITIES (2020)**

This case involved the removal and replacement of the manager of a private utility company located in the Phoenix area of Arizona. The State of Arizona, after years of negotiation and attempts to allow the private entity to comply with state law finally was forced to install an appointed overseer to manage the utility. Subsequent to that drastic move, the manager commissioned studies by reputable engineering firms to review the utilities facilities and operation and recommend the changes necessary to bring them into compliance with environmental regulations.

I was asked by the State to review those studies and provide them with guidance on how to proceed with the work that is to be done and to give them an independent, unbiased review of the need and potential financial impacts to those improvements.

This case settled prior to my deposition in favor of the utility rate payers in the approximate amount of forty million dollars (\$40,000,000).

**REFERENCE:**

Adam Schwartz, Assistant Attorney General  
State of Arizona, Office of the Attorney General, Environmental Enforcement Section  
15 S. 15th Avenue  
Phoenix, AZ 85007  
(602)542-1401

### **DOUGLAS COUNTY LAKE TAHOE SEWER AUTHORITY VS CONTECH ET AL. (2019)**

This case involved the design and construction of an underground raw sewage storage facility within the Lake Tahoe water shed. I was asked to review all of the elements involved in planning, design, permitting, construction and commissioning in order to determine the cause and mode of failure of the project.

The case settled prior to my deposition in favor of Douglas County. The amounts are confidential per agreement of the parties.



**REFERENCE:**

Paul A. Matteoni, Partner  
Lewis Roca  
One East Liberty Street, Suite 300  
Reno, NV 89501-1922  
(775)823-2900

**CITY OF FLINT, MICHIGAN (2019)**

These cases (State and Federal) involves the planning, design, construction, operation and maintenance and regulatory compliance of the water treatment and distribution system located in Flint, Michigan. I've been asked to review all of the elements in order to determine whether industry standards were complied with.

This cases settled prior to trial for over six hundred and forty million dollars (\$640,000,000.00).

**REFERENCE:**

Sheldon Klein, Shareholder  
Butzel Long  
Stoneridge West Bldg., 41000 Woodward Avenue  
Bloomfield, MI 48304: (248) 258-1616

**FEY VS INSITU-FORM (2021)**

This case involves the design and construction of a sewer pumping bypass system utilized during construction of a sewer line located in Columbus, Ohio. I've been asked to review design drawings and calculations, correspondence and performance regarding the system and its performance.

The case settled prior to my deposition.

**REFERENCE:**

Brandon Abshier, Esquire  
Reminger Attorneys at Law  
200 Civic Center Drive, Suite 800  
Columbus, OH 43215  
(614) 232-1904

**ORACLE TEAM TACO VS TUCSON MALL (2019)**

This case involved the operation and maintenance of a private wastewater pump station located in Tucson, Arizona. I was asked to review all of the elements involved in historical operation and maintenance in order to determine whether industry standards and regulatory requirements had been followed.

This case settled prior to trial.

**REFERENCE:**

Isaac Gabriel, Partner  
Quarles & Brady, LLP  
Renaissance One, Two North Central Avenue



Phoenix, AZ 85004-2391  
(602)230-4622

### **DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY VS. FIRST HAND LAND, LLC (2018)**

This case involved the construction of a residential building directly over a centuries old twenty two foot diameter brick gravity sewer main in Washington, D.C. The building was eventually torn down by the D.C. Water Authority under the premise that it presented an imminent threat to the stability of the sewer.

I was asked to review the documentation with regards to the permitting process, utility locate procedures and responses, condition assessment and regulatory compliance on the part of both parties.

The case settle prior to trial.

#### **REFERENCE:**

James D. Sadowski, Partner  
Greenstein Delmore & Luchs, P.C.  
Washington, DC 20036  
(202)452-1400  
[www.gdllaw.com](http://www.gdllaw.com)

### **KRAFT VS CLIFFSIDE MALIBU (2018)**

This case involved the failure of a series of treated wastewater disposal facilities located in Malibu, California. I was asked to review the design, operation and maintenance of the facilities in order to determine cause of failures.

The case settled prior to trial.

#### **REFERENCE:**

Paul Crane, Partner  
Kerr, Schiff & Crane, LLP  
Los Angeles, CA 90067  
(310)820-3455

### **EASTERBROOK VS COLD SPRINGS MOBILE HOME PARK (2018)**

This case involved the operation and maintenance of a wastewater treatment and disposal facility associated with a mobile home park located in California. I was asked to review the operation and maintenance of the facility in order to determine whether it constitutes a public nuisance.

The case settled prior to trial.

#### **REFERENCE:**

Paul Hoffman, Associate  
Cooksey Toolen Gage Duffy & Woog  
535 Anton Boulevard, Suite 1000  
Costa Mesa, CA 92626-1977



(714)431-1031

### BROWN VS SONOMA COUNTY (2018)

This case involved the contamination of groundwater in Boyes Hot Springs, California. I was asked to review the operation and maintenance of the wastewater collection system in order to determine whether industry standards were complied with.

This case settled prior to trial.

#### REFERENCE:

Dana Suntag, Partner  
Herum, Crabtree, Suntag  
5757 Pacific Avenue, Suite 222  
Stockton, CA 95207  
(209)472-7700

### HARLEY VS ENVIRONMENTAL REMEDIATION SERVICES, LLC (2018)

This case involved the death of a 3 year old toddler. The toddler fell into a septic tank at a local park and drowned. I was asked to review the design, construction, operation and maintenance of the facility in order to determine whether industry standards were complied with.

The case settled prior to trial.

#### REFERENCE:

Todd T. Springer, Managing Partner  
Luks, Santaniello Petrillo & Jones  
301 West Bay Street, Suite 1050  
Jacksonville, FL 32202  
(904)791-9191

### GOVERNMENT OF CANADA VS. METRO VANCOUVER (2016)

This case involved the discharge of chlorinated water, by Metro Vancouver, the regional potable water utility, into the Fraser River which is the largest salmon bearing river in the world. I was asked to review the programs and protocols of Metro Vancouver as well as its control and data collection system and response to the event.

I wrote a report regarding my findings and testified at trial on two separate occasions.

#### REFERENCE:

Charles F. Hough, Crown Counsel  
Government of Canada, Public Prosecution Service  
900-840 Howe St.  
Vancouver, British Columbia, V6Z 2S9  
(604)666-0493



### **LYLES VS BRADFORD APARTMENTS ET AL. (2017)**

This case involved the raw sewage inundation of the playground area of an apartment complex which may have resulted in the significant health impact on a child. I was asked to review documents relating to the event(s), and the operation and maintenance of the sewer collection system.

The case settled prior to trial

**REFERENCE:**

Daniel S. Chamberlain, Partner  
Ashley Hander, Associate  
Cohen and Malad, LLP  
One Indiana Square, Suite 1400  
Indianapolis, IN 46204  
(317)636-6481

### **EUGENE GARRETT VS. CITY AND COUNTY OF HONOLULU, HAWAII (2018)**

This case involves the operation, maintenance and management of a portion of the sewer collection system in Honolulu, Hawaii. I was asked to review documents associated with the historical operation, maintenance and management of this portion of the system in order to determine whether the City and County were in compliance with their permits, laws, regulations and codes as well as industry standards.

I produced a report of my findings and opinions and testified at trial in Honolulu, Hawaii.

**REFERENCE:**

Jeffrey Miller, Esquire  
Law Offices of Jeffrey P. Miller  
1001 Bishop Street, Suite 2925  
Honolulu, HI 96813  
(808)536-2442

### **CONROAD VS MCKINLEY (2019)**

This case involved the operation and maintenance of a wastewater pump stations that is associated with an industrial development located in Indiana. I was asked to review the design, operation and maintenance of the facility in order to determine whether industry standards were complied with.

I was deposed and provided testimony at trial. The case was decided in favor of the defendant, McKinley.

**REFERENCE:**

Justin O. Sorrell, Esquire  
Riley Bennet Egloff, LLP  
141 East Washington St., Fourth Floor  
Indianapolis, IN 46204  
(317)636-8000





### **AKM VS CITY OF HUNTINGTON BEACH, CA (2019)**

This case involved the design and construction of a wastewater pump station located in Huntington Beach, California. I was asked to review the design and construction management documents in order to determine whether industry standards were complied with.

I was deposed and presented testimony at trial. The case was decided in favor of AKM.

**REFERENCE:**

Vasko Mitzev, Partner  
Ferruzzo & Ferruzzo, LLP  
3737 Birch Street, Suite 400  
Newport Beach, CA 92660  
(949)608-6900

### **CITY OF SARASOTA, FLORIDA VS. AECOM (2014)**

This case involves the design and construction of a major wastewater pump station and force main for the City of Sarasota, Florida. I was retained by the firm that represented AECOM and was asked to review documents in order to determine whether the facilities were designed and constructed within the standard of care required.

The case was decided in late 2018 in favor of AECOM. The jury trial, at which I testified, lasted five weeks.

**REFERENCE:**

John Vento, Shareholder  
Gregg Hutt, Shareholder  
Trenam Kemker Attorneys  
101 East Kennedy Blvd., Suite 2700  
Tampa, FL 33602  
(813)229-7474  
[www.trenam.com](http://www.trenam.com)

### **AMERICAN FAMILY MUTUAL INSURANCE CO ET AL. VS MCKEEFRY & SONS, INC ET AL. (2017)**

This case involved the flooding of homes due to the a water main rupture due to damage caused during an excavation. I was to review documents in order to determine how the water line was missed by the excavation contractor and who was responsible for the damages.

The case settled prior to trial, but after I was deposed.

**REFERENCE:**

Mark DesRochers, Esquire  
Burnett, McDermott, Jahn, King & DesRochers, LLP  
50 E. Main St.  
Chilton, WI 53014  
(920)849-9323



### HANDY SANITARY DISTRICT VS WATEREE CONSTRUCTION CO, INC, ET AL. (2017)

This case involved design and construction of a sanitary sewer collection system including nine separate pump stations. I've been asked to review documents as well as conduct limited inspection in order to determine the cause of reported piping and equipment failures.

This case settled prior to trial.

**REFERENCE:**

Elizabeth Martineau, Partner  
Martineau King, PLLC  
8701 Red Oak Blvd., Suite 100  
Charlotte, NC 28217  
(704)247-5820

### CITY OF RENTON, WASHINGTON VS. JOHN DOES (2015)

This case involved the failure of a pressure reducing station in the water distribution system of the City of Renton, Washington. The failure caused a high pressure surge to travel through a section of the distribution system which caused plumbing fixtures to fail and water damage to occur to numerous water system customers.

I was asked to review the failure and assist the City with litigation defense.

**REFERENCE:**

Adam Rosenberg, Shareholder  
Williams, Kastner & Gibbs  
601 Union Street, Suite 4100  
Seattle, WA 98101-2380  
(206) 628-2762

### CARRASCO VS. CITY OF EL PASO, TX (2018)

This case involved the design and construction of a sewer collection system associated with an upscale development in El Paso, Texas. The owner of the most remote property was unable to connect to the sewer collection system which included a series of pump stations. I was asked to review the design of the collection system in order to determine the cause of the problem.

The case settled prior to trial.

**REFERENCE:**

Michael Nevarez, Esquire  
The Nevarez Law Firm, PC  
7362 Remcon Circle  
El Paso, TX 79913  
(915)584-8000  
[www.nevarezlawfirm.com](http://www.nevarezlawfirm.com)

### SKUJIA VS. WESTERN RIVERSIDE COUNTY (2018)

This case involved the installation of a cap on the end of a submerged pipe in the basin of an



active wastewater treatment plant. The two divers who were installing the cap experienced a negative pressure event during installation which pulled the cap into the line, pinning and injuring the hand of one of the divers. I was asked to review the operating parameters of the plant with regards to the hydraulics of the particular line in order to determine the cause of the negative pressure event.

The case settled prior to trial.

**REFERENCE:**

Raymond Tuason, Esquire  
Arnold Law Firm  
865 Howe Avenue  
Sacramento, CA 95825  
(916)777-7777  
[www.justice4you.com](http://www.justice4you.com)

### HOGGAN VS SMITHFIELD CITY, UTAH (2018)

This case involved design, construction and operation of a water production well located in a residential neighborhood. The well, when operating causes vibratory noise in a neighboring home. I was asked to review the design, construction and operation of the well in order to determine whether there are modifications that would likely result in a lessening of the noise and/or its impact on the neighbors.

The case settled prior to trial.

**REFERENCE:**

Brandon Mark, Shareholder  
Parsons Behle & Latimer, PLC  
201 South Main Street, Suite 1800  
Salt Lake City, UT 84111  
(801)532-1234

### SEARS LOGISTICS SERVICES VS JACKSON COUNTY WATER & SEWAGE AUTHORITY (2017)

This case involved the damage of warehoused products due to over pressurization of the fire water service which damaged a sprinkler head and flooded part of a warehouse. I was asked to review the operation of the water utility in order to determine if their actions met the industry and/or professional standards for the work they were undertaking.

I was both deposed and testified at trial.

**REFERENCE:**

Charles Hoeffcker, Member  
Ney Hoeffcker Peacock & Hayle  
1360 Peachtree Street NE  
Atlanta, GA 30309  
(404) 885-7576

Jack B. McCabe, Of Counsel  
Nielsen, Zehe & Antas, PC  
55 West Monroe Street, Suite 1800  
Chicago, IL 60603  
(312) 322-9900



### **CITY OF SANTA BARBARA, CALIFORNIA VS CDM SMITH (2017)**

This case involved the design, construction and operation of a wastewater treatment and reuse facility. I was asked to review the design, construction and operation associated with the facility in order to determine the cause of a treatment capacity shortfall.

This case settled prior to trial.

**REFERENCE:**

Christopher Menjou, Senior Associate  
Morris Polich & Purdy, LLP  
1055 West Seventh Street  
Los Angeles, CA 90017  
(213) 891-9100

### **THE INSURANCE CO. OF THE STATE OF PENNSYLVANIA VS DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY (2017)**

This case involves the flooding of a building from a water main break. I was asked to review the design, construction and maintenance associated with the utility in order to determine if those activities were causal to the loss.

The case settled prior to trial.

### **1775 GRAND CONCOURSE VS NEW YORK CITY, NEW YORK (2017)**

This case involves the flooding of a building from a water main break. I have been asked to review the design, construction and maintenance associated with the utility in order to determine if those activities were causal to the loss.

The case settled prior to trial.

**REFERENCE:**

David S. Huberman, Partner  
Kevin DeCarlo, Partner  
White & Williams, LLP  
1650 Market Street, One Liberty Place, Suite 1800  
Philadelphia, Pennsylvania 19103  
(215) 864-7000

### **UKIAH VALLEY SANITATION DISTRICT VS. CITY OF UKIAH, CA (2016)**

This case involved a dispute between two entities that provide sanitary sewer services in California. At issue is the accounting of monies and their allocation based upon historical agreement.

I was asked to review documents, collect, organize and analyze the processes for charges and the distribution and allocation of costs and revenues.

The case settled prior to trial.

**REFERENCE:**

Leo Bartolotta, Shareholder



Ray Fullerton, Shareholder  
Geary, Shea, O'Donnell, Grattan & Mitchell, PC  
90 E Street, Suite 300  
Santa Rosa, CA 95404  
(707) 545-1660



### **CONN ET AL. VS VILLAGE OF WEBSTER, NY (2017)**

This case involved the operation of a wastewater treatment facility in upstate New York. I was asked to review the design, operations and maintenance, regulatory compliance of the facility in order to form an opinion as to the odor control techniques used.

The case settled prior to trial.

**REFERENCE:**

Stephen Schwarz, Managing Partner  
Lesley Niebel, Associate  
Faraci Lange Attorneys  
28 E. Main Street, Suite 1100  
Rochester, NY 14641  
(585) 325-5150

### **MISSION LINEN VS. CITY OF VISALIA (2016)**

This case involved the contamination of a groundwater aquifer located in Visalia California. The contamination originated at a dry cleaning establishment which operated for decades. The contaminant (PCE or PERC) was allegedly introduced into the aquifer from the City's sanitary sewer collection system.

I was asked to review and comment on the City's historical construction and design standards of its collection system. I produced a report of my findings and was deposed. The case settled prior to trial.

**REFERENCE:**

Leonard Herr, Esquire  
Ron Statler, Esquire  
Herr Pedersen & Berglund, LLP  
100 Willow Plaza, Suite 300  
Visalia, CA 93291  
(559) 636-0200

### **NEWSOME VS. GROSS (2015)**

This case involved the maintenance and repair of a joint-use septic tank and leach field system located in Sedalia, Missouri. I was asked to review the work that was performed on the system in order to develop opinions regarding cause of subsidence in the soil that led to the injury of a young boy. I produced a report of my finding and was deposed. The case settled prior to trial.

**REFERENCE:**

Jerry Kenter, Esquire  
Boyd, Kenter, Thomas & Parrish, LLC  
512 South Ohio  
Sedalia, MO 65301  
(816) 471-4511  
[www.bktplaw.com](http://www.bktplaw.com)



### TRINITY LUMBER CO., VS. WEAVERVILLE COMMUNITY SERVICES DISTRICT (2011)

This case involved the local water utilities ability to supply water to a fire at a lumber mill. I've was retained to evaluate what caused the lack of water and determine where the liability resides. The disposition of the case is unknown to me.

**REFERENCE:**

Christopher J. Capalbo, Esquire  
Justina L. Tate, Esquire  
Siegel, Moreno & Stettler, APC  
1011 Camino del Rio South, Suite 600  
San Diego, CA 92108  
(619) 525-7626  
<http://www.siegelmoreno.com>

### LARRY AGEE VS CITY OF MEMPHIS, TENNESSEE (2016)

This case involved the undermining of a manhole which subsequently collapsed causing injuries. I was asked to review the design, construction and maintenance of the facility in order to determine if those activities were causal to the accident. I produced a report of my findings and the case settled prior to my deposition.

**REFERENCE:**

Law Offices of Irma Merrill Stratton  
40 South Main  
Memphis, Tennessee 38103  
(901) 210-2219

### LAKESIDE HEIGHTS VS. LAKE COUNTY UTILITY (2013)

This case involved leaking water main which caused a land slide and destroyed several homes within a development. I was asked to review documents to determine the cause of the failure and whether the utility acted within the standard of care. I was neither deposed nor testified at trial.

**REFERENCE:**

Michael D. Green, Shareholder  
Abbey, Weitzenberg, Warren & Emery  
100 Stony Point Rd., Suite 200  
Santa Rosa, CA 95401  
(707) 542-5050  
[www.abbeylaw.com](http://www.abbeylaw.com)

### SAN ANTONIO WATER SYSTEM (SAWS) VS. CDM SMITH (2015)

This case involved the design and construction of a wastewater treatment plant located in San Antonio, Texas. I was asked to review the design, construction, commissioning and operation of



the headworks in order to develop opinions regarding its effectiveness and potential cause and remedies to any deficiencies found.

**REFERENCE:**

Richard Reed, Managing Partner  
Matthew Talley, Associate  
Coats Rose  
1020 Northeast Loop 410, Suite 800  
San Antonio, TX 78209  
(210) 451-6920  
[www.coatsrose.com](http://www.coatsrose.com)

**ST. CHARLES COUNTY PUBLIC WATER SUPPLY DISTRICT #2 (2016)**

This case involved the design, construction and multiple failures of the District's major booster pump station (17,500 gpm @ 300 feet TDH). I was asked to review the design, construction and commissioning of the project to determine the cause of the failures and advise the District regarding liability.

**REFERENCE:**

Jeremy P. Brummond, Member  
Lewis-Rice  
600 Washington Avenue, Suite 2500  
St. Louis, MO 63101  
(314) 444-1339

**THE CINCINNATI INSURANCE COMPANY VS. CITY OF GASTONIA, NORTH CAROLINA (2016)**

This case involved the flooding of a building which was under remodel at the time causing damages valued at over two million dollars. I was asked to review the response, operation and maintenance associated with the water utility in order to determine if those activities were causal to the loss. The case settled prior to trial, after I was deposed.

**REFERENCE:**

Thomas Paolini, Managing Attorney  
Jared L. Elster, Associate  
Stutman Law  
20 East Taunton Road, Suite 403  
Berlin, NJ 08009  
(856) 767-6800

**RANCH AT CLAY STATION VS. JTS COMMUNITIES INC., ET AL. (2015)**

This case involved the design, construction and operation of over one thousand individual wastewater treatment and disposal facilities in an upscale development located in northern California. I was asked to review the design, and construction in order to develop opinions regarding construction defects and standard of care regarding design. The case settled prior to trial, after my deposition.





**REFERENCE:**

Robert Finkle, Esquire  
Schoech Law Group  
4020 Lennane Drive, Suite 102  
Sacramento, CA 95834  
(916) 569-1940  
[www.norcallawfirm.com](http://www.norcallawfirm.com)

**ARIZONA WATER VS. LAYNE CHRISTENSEN (2014)**

This case involved the design, construction, operation and maintenance of several water treatment plants in Arizona. I've was asked to review documents and perform inspections in order to determine whether the facilities are failing as a results of use or other issues.

I produced one report for this matter which was settled by a three judge arbitration panel.

**REFERENCE:**

Steven Hirsch, Partner, Rodney Orr, Of Counsel  
Quarles & Brady  
One Renaissance Square  
Two North Central Avenue, Suite 2200  
Phoenix, AZ 85004  
(602) 229-5200  
[www.quarels.com](http://www.quarels.com)



### LEWIS CLEANERS VS. CITY OF DAVIS (2016)

This case involved the contamination of a groundwater aquifer located in Davis California. The contamination originated at a dry cleaning establishment which operated for decades in a mall near the City's downtown area. The contaminant (PCE or PERC) was introduced into the aquifer from the City's sanitary sewer collection system.

I was asked to review and comment on the City's historical operation, maintenance and management of its collection system with regards to the industry standards over the time period in question. I wrote two reports regarding this matter and was deposed prior to the case settling.

**REFERENCE:**

Peter Dye, Partner  
Mary Coombe, Associate  
Koeller Nebeker Carlson Haluck, LLP  
1478 Stone Point Drive, Suite 400  
Sacramento, CA 95661  
(310) 724-5700

### CITY OF BOZEMAN, MONTANA VS. WYMONT (2014)

This case involved the design and construction of a wastewater treatment plant for the City of Bozeman, Montana. I was asked to review documents and perform an inspection to determine how the collapse of a digester occurred. I prepared a report for this project, which settled prior to my deposition.

**REFERENCE:**

William Mattix, Partner  
Crowley Fleck  
Transwestern Plaza II  
490 N. 31st Street, Suite 500  
Billings, MT 59101  
(406) 252-3441  
[www.crowleyfleck.com](http://www.crowleyfleck.com)

### CAMP VERDE SANITARY DISTRICT VS. COE & VAN LOO ET AL. (2012)

This case involved the design, construction, operation and maintenance of a wastewater treatment plant located in Arizona. I was asked to review documents, inspect the facility and prepare a report. The case settled prior to my deposition.

**REFERENCE:**

Chris Hossack, Esquire  
Clark Hill  
148506 N. Scottsdale Ave., Suite 500  
Phoenix, AZ 85254  
(480) 684-11280  
[www.clarkhill.com](http://www.clarkhill.com)



### CITY OF NOBLESVILLE & EMC INSURANCE COMPANIES VS. EAGLE MECHANICAL, INC & F.A. WILHELM CONSTRUCTION, INC. (2015)

This case involved the design and construction of a wastewater treatment plant located in Noblesville, Indiana. I was asked to review the design and construction in order to develop opinions regarding valving for the sludge digesters. This case settled prior to trial.

**REFERENCE:**

James Hehner, Esquire  
Hehner & Associates, LC  
225 North Delaware Street  
Indianapolis, IN 46204  
(317) 269-3409  
[www.hehnerlaw.com](http://www.hehnerlaw.com)

### SUNRIDGE APARTMENTS INC. VS. CHARTER TOWNSHIP OF FLINT, ET. AL (2015)

This case involved the water usage and billing associated with a series of customers and water purveyors. I was asked to review the historical water meter maintenance and readings, and the billing history and calculations based upon agreements between the parties in order to develop opinions regarding the accuracy of the bills, the maintenance of the meters and the adherence to the agreements. This matter settled prior to trial. I was deposed in this matter in Flint, Michigan.

**REFERENCE:**

Cristine Wasserman Rathe, Esquire, Law Offices of Dean T. Yeotis  
611 W. Court Street  
Flint, MI 48503  
(810)767-6100  
[www.yeotislaw.com](http://www.yeotislaw.com)

### SCHREIBER FOODS VS. PROCORP, ET AL. (2015)

This case involved the design, construction, operation and regulatory compliance of a wastewater treatment plant located in Shippensburg, PA. I was asked to review the design, construction, commissioning, operation and regulatory compliance of the facility which suffered a plant failure and subsequent significant non-compliance event. This case settled prior to trial.

**REFERENCE:**

Thomas Cabush, Shareholder  
Kasdorf, Lewis & Swietlik  
One Park Plaza  
11270 West Park Place, 5th Floor  
Milwaukee, WI 53224  
(414) 577-4027  
[www.kasdorf.com](http://www.kasdorf.com)

### PRUNEDALE SHOPPING CENTER, L.P. VS. PREMIER TECH TECHNOLOGIES, LTD (2015)

This case involved the design and construction of a wastewater treatment plant located in



Prunedale, California. I was asked to review the design and specifications and construction in order to develop opinions regarding changed conditions, design, construction and standard of care. This case settled prior to trial. I was not deposed, nor was I asked to prepare a report.

**REFERENCE:**

Thomas J. LoSavio, Shareholder  
Low, Ball & Lynch  
505 Montgomery Street, 7th Floor  
San Francisco, CA 94111-2584  
(415) 981-6630  
[www.lowball.com](http://www.lowball.com)

**BALFOUR BEATTY INFRASTRUCTURE INC. VS. WASHINGTON SUBURB SANITARY COUNCIL (2015)**

This case involved the upgrading of a wastewater treatment plant located in Maryland. The project construction cost was in excess of \$61 million. I was asked to review the design and specifications as well as the contracts between the parties in order to develop opinions regarding changed conditions, design responsibilities and contractual obligations.

This case settled prior to trial, after I had been deposed.

**REFERENCE:**

Gregory S. Martin, Managing Partner  
Frank Hild, Partner  
Gregory S. Martin & Associates, P.A.  
555 Winderley Place, Suite 415  
Maitland, FL 32751  
(407) 660-4488  
[www.gsmartinlaw.com](http://www.gsmartinlaw.com)

**MELLENDEZ ET AL. VS. RUNSEM SITE CONSTRUCTION (2013)**

This case involved the death of a utility worker in Texas. I was asked to review documents to determine whether the accident was due to negligence acts by third parties. This case settled prior to my deposition.

**REFERENCE:**

Dan Clark, Esquire  
Miller & Brown, LLP  
400 South Ervay Street  
Dallas, TX 75201  
(214) 748-7600  
[www.miller-brown.com](http://www.miller-brown.com)



### WEST VS. BAKER CORPORATION, ET AL. (2011)

This case involved the death of a young man while working at a construction site in Massachusetts. The man was struck by a pipe which had broken during a pumping operation. I was asked to review statements from numerous persons regarding the accident, inspect the site, equipment and materials, review video tapes and analyze the hydraulics of the conditions at the time of the accident. I prepared and presented a summary of my analysis and findings to all of the parties in a mediation. The case settled in 2015 prior to trial.

**REFERENCE:**

Thomas T. Merrigan, Esquire  
Rawson, Merrigan & Litner, LLP  
393 Main Street  
Greenfield, MA 01301  
(413) 773-3388  
[www.rml-lawyers.com](http://www.rml-lawyers.com)

### BIG VALLEY BAND OF POMO INDIANS VS. MCGINNIS & ASSOCIATES (2013)

This case involved the design and construction of wastewater disposal facilities associated with a Tribal wastewater treatment plant located in the Clear Lake area of California. I was asked to review the design, permitting, construction, regulatory compliance and operation and maintenance of the disposal units in order to determine whether or not a problem existed and if so what the cause of the problem is/was. This case settled prior to trial.

**REFERENCE:**

Roger Doyle, Esquire  
Fahrendorf, Vilorio, Oliphant & Oster, LLP  
327 California Avenue  
Reno, NV 89505  
(775) 348-9999  
[www.renonvlaw.com](http://www.renonvlaw.com)

### DENTISTS INSURANCE VS. CITY OF OROVILLE (2013)

This case involved the inundation of private property via a sanitary sewer overflow event of the City of Oroville, California's sewer collection system. I was asked to review the possible causes of the inundation as it relates to the operation and maintenance of the sewer system. This case settled prior to trial.

**REFERENCE:**

Peggy S. Roldan, Esquire  
Watkins & Letofsky, LLP  
4040 Mac Arthur Blvd., Suite 240  
Newport Beach, CA 92660  
(949) 476-9400  
[www.wl-llp.com](http://www.wl-llp.com)



## PIEDMONT TRIAD REGIONAL WATER AUTHORITY VS. MARZIANO & MCGOUGAN, ET AL. (2013)

This case involved the design and construction of a water treatment plant in Randolph County, North Carolina. I was asked to review the design of the treatment plant and opine on design flaws. This case settled prior to trial.

### **REFERENCE:**

Elizabeth Martineau, Partner  
Martineau King, PLLC  
200 South College Street, Suite 1550, BB&T Center  
Charlotte, NC 28202  
(704) 247-8520  
[www.martineauking.com](http://www.martineauking.com)

## MULTIPLE ACTIONS IN MICHIGAN (2011)

I was retained by the Yeotis law firm to review multiple cases of sewage inundation in Michigan.

### **REFERENCE:**

Dean T. Yeotis, Esquire  
Cristine Wasserman Rathe, Esquire  
Law Offices of Dean T. Yeotis  
611 W. Court Street  
Flint, MI 48503  
(810) 767-6100

## PEERLESS INDEMNITY INSURANCE ET AL. VS. CITY OF GREENSBORO, NORTH CAROLINA (2014)

This case involved a fire at a commercial building located in Greensboro, North Carolina. I was asked to review documents to determine just how the water supply to the fire sprinkler system came to be closed, preventing the sprinklers from operating as intended during the fire. This matter settled prior to trial.

### **REFERENCE:**

Albert Nalibotsky, Esquire  
Jay Goldstein, Esquire  
Quick, Widis & Nalibotsky, PLLC  
2115 Rexford Road, Suite 100  
Charlotte, NC 28211  
(704) 364-2500  
[www.qwnlaw.com](http://www.qwnlaw.com)

## UNITED STATES OF AMERICA VS. THE COUNTY OF WESTCHESTER, NEW YORK (2014)

This case involved the non-compliance of the Westchester County, New York with the Safe Drinking Water Act (ACT) (Enhanced Surface Water Treatment Rule). The United States Attorney (USA) filed suit against the County for non-compliance. I was retained by the USA as an



expert and asked to review all of the documentation, inspect the facilities, produce a written report and advise them. Due to scheduling issues, I terminated my involvement in this project prior to trial.

**REFERENCE:**

Amy Barcelo, Assistant United States Attorney  
85 Chambers Street, 3rd Floor  
New York, NY 10007  
(212) 637-6559  
[www.usdoj.gov](http://www.usdoj.gov)

**CARTER VS. WALLACE GROUP ET AL. (2013)**

This case involves the inundation of private property via a sanitary sewer overflow event of the San Louis Obispo Sanitation District (District). I was asked to review the legal environmental proceedings by the State Water Resource Control Board against the District and its private operations company, Wallace Group. This matter settled prior to trial.

**REFERENCE:**

Eric A. Woosley, Esquire  
Law Offices of Eric A. Woosley  
1602 State Street  
Santa Barbara, CA 93101  
(805) 897-1830  
[www.zwlegal.com](http://www.zwlegal.com)

**LINCOLN CROSSING COMMUNITY ASSOCIATION VS. LB/L-SUNCAL (2013)**

This case involves the design and construction of infrastructure associated with the development of Lincoln Crossing, located in Placer County, California. I was asked to review documents in order to determine the adequacy of the design and construction of the infrastructure in question. This matter settled prior to trial.

**REFERENCE:**

Saul E. Wolf, Esquire  
Green & Hall, APC  
1851 East First Street, 10th Floor  
Santa Ana, CA 92705  
(714) 918-7000  
[www.greenhall.com](http://www.greenhall.com)

**PHILADELPHIA INDEMNITY INSURANCE CO. VS. CITY OF SUNNYVALE, CA (2013)**

This case involves the inundation of a commercial building (a church) via the local sewer collection system. I have been asked to review the possible causes of the inundation as it relates to the operation and maintenance of the sewer system. This matter settled prior to trial.

**REFERENCE:**

Patrick Welch, Esquire  
Robison DiLando



800 Wilshire Blvd., Suite 750  
Los Angeles, CA 90017-2687  
(213) 229-0100  
[www.rdwlaw.com](http://www.rdwlaw.com)

### **CORVIN VS. NORTH TAHOE PUBLIC UTILITY DISTRICT (2013)**

This case involved the failure of a pump station that is part of the sewer collection and conveyance system of the North Tahoe Public Utility. I was asked to review the mode of failure and the operation and maintenance of the pump station. This matter settled prior to trial.

#### **REFERENCE:**

Kathleen McConnell, Associate  
Coblentz Patch Duffy & Bass LLP  
One Ferry Building, Suite 200  
San Francisco, CA 94111-4213  
391-4800  
[www.coblentzlaw.com](http://www.coblentzlaw.com)

### **LUCILE PACKARD CHILDREN'S HOSPITAL VS. HGA (2012)**

This case involves the inundation of a portion of a hospital located at Stanford University in Palo Alto, California. During construction of the hospital, a water line failed, which led to the inundation. I was retained in this matter to evaluate the mode of failure of the water line and provide expert opinions as to who was at fault. This matter settled prior to trial.

#### **REFERENCE:**

Law Offices of Ed Towey  
4635 Maple Hill Drive  
Deephaven, MN 55331  
(952) 474-1135





### REEP VS. CITY OF MILWAUKEE (2010)

This case involved the sewage inundation of over 100 homes located in Milwaukee, Wisconsin. The inundation event occurred in coincidence with a significant rainfall event. The homes are provided sewer service by the Milwaukee Metropolitan Sanitary District (MMSD). I was asked to review the specifics of the event as well as the regulatory codes, and maintenance practices and programs of the MMSD. I was deposed for several days and testified at trial.

**REFERENCE:**

Barry White, Esquire  
Chris Trebatoski, Esquire  
Weiss Berkowski Brady, LLP  
700 N. Water Street, Suite 1400  
Milwaukee, WI 53202  
(414) 276-5800  
[www.wbb-law.com](http://www.wbb-law.com)

### SUNNYLAND OF BETHPAGE VS. BETHPAGE WATER DISTRICT (2012)

This case involved the corrosion of water pipe within a complex of residential buildings located in Bethpage, New York. I was asked to review the site as well as facilities of the local water purveyor and review documents. This matter settled prior to trial.

**REFERENCE:**

Ryan Mitola, Partner  
Schneider Mitola, LLP  
666 Old Country Road, Suite 412  
Garden City, NY 11530  
[www.schneidermitola.com](http://www.schneidermitola.com)

### CAPRIATI CONSTRUCTION VS. CITY OF LAKE HAVASU (2013)

This case involved the design and construction of several millions of dollars worth of sanitary sewer lines for the City of Lake Havasu, Arizona. I was asked to review the design, construction and construction management of the project in order to determine if any of the parties involved breached the standard of care with regards to their obligations. This case settled prior to trial.

**REFERENCE:**

Randy Jeffries, Partner  
Todd Wiley, Associate  
Matt Lensch, Associate  
Fennemore Craig  
3003 North Central Avenue, Suite 2600  
Phoenix, AZ 85012-2913  
(602) 916-5000  
[www.fclaw.com](http://www.fclaw.com)

### CARE OF SOUTHEASTERN MICHIGAN VS. CITY OF FRASER (2012)

This case involved the inundation of a residence with raw sewage from the sewage collection system which is owned, operated and maintained by the City of Fraser, Michigan. This case



settled prior to trial.

**REFERENCE:**

Brett Miller, Associate Principal  
Kitch Drutchas Wagner Valitutti & Sherbrook  
One Woodward Avenue, Suite 2400  
Detroit, MI 48226  
(313) 965-7302  
[www.kitch.com](http://www.kitch.com)

**BANK OF AMERICA VS. CITY OF SAN FRANCISCO (2010)**

This case involved the flooding of the Bank of America Data Center located in San Francisco, California. I was asked to review the existing conditions and facilities and determine a mode of failure of the equipment and controls that bring and distribute water to the building.

**REFERENCE:**

Franklin Dean Thomas, Esquire  
Hines & Thomas  
235 Montgomery Street, Suite 810  
San Francisco, CA 94104  
(714) 879-4200  
[www.hinesthomas.com](http://www.hinesthomas.com)

**ORLANDO FLORIDA ENDOSCOPY VS. HARTFORD CASUALTY INSURANCE (2013)**

This case involved the inundation of a commercial building via the local sewer collection system. I was asked to review the possible causes of the inundation as it relates to the operation and maintenance of the sewer system. This case settled prior to my deposition and trial.

**REFERENCE:**

Matthew Bray, Associate  
Logan Lovells  
200 South Biscayne Blvd., Suite 400  
Miami, FL 33131  
(305) 459-6500  
[www.hoganlovells.com](http://www.hoganlovells.com)



### LAFORTUNE VS. HART CREEK MUTUAL WATER COMPANY (2012)

This case involved water quality, quantity, utility management and original design and construction issues associated with the Utility. I was retained in this matter to review the design, operation, maintenance, management and regulatory compliance of the Utility. The case settled prior to my deposition

**REFERENCE:**

Robert Harding, Partner  
Clifford & Brown, A Professional Corporation  
1430 Truxtun Avenue, Suite 900  
Bakersfield, CA 93301  
(661) 322-6023  
[www.clifford-brownlaw.com](http://www.clifford-brownlaw.com)

### CITY OF FALLON, NV VS. TETRA TECH, ET AL. (2012)

This case involved the structural failure of two reinforced fiberglass plastic (FRP) storage tanks that stored hydrochloric acid and ferric chloride. These tanks were located at the City's water treatment plant. I was retained to evaluate the cause of failure, which has been suggested to be of a hydraulic nature. The case settled prior to my deposition.

**REFERENCE:**

Matt Addison, Partner  
McDonald Carano Wilson, LLP  
100 West Liberty Street, 10th Floor  
Reno, NV 89501  
(775) 788-2000  
[www.mcdonaldcarano.com](http://www.mcdonaldcarano.com)

### POLAKOWSKI, ET AL. VS. CITY OF PARMA, OHIO, MARATHON OIL (2010)

This case involved the discharge of fuel into a public sewer collection system located in Parma, Ohio. I was asked to review documents as well as the site.

**REFERENCE:**

Allen Stewart, Esquire  
Allen Stewart, P.C.  
Republic Center  
325 North St. Paul Street, Suite 2750  
Dallas, TX 75201  
(214) 965-8700  
[www.allenstewart.com](http://www.allenstewart.com)



## **GENERAL CONSTRUCTION SERVICES, INC. (GCS) VS. DESOTO COUNTY FLORIDA (2011)**

This case involved the design and construction of a wastewater treatment plant in Florida. In particular, there were significant design liquidated damages attributed to the General Contractor (GCS). I was asked to review documents and provide preliminary opinions as to whether the design professionals met the standard of care associated with a project of this type and scope.

### **REFERENCE:**

Michael D. Sechrest, Esquire  
Fisher, Butts, Sechrest, Warner & Palmer, P.A.  
5200 SW 91st Terrace, Suite 101  
Gainesville, FL 32608  
(352) 373-5922  
[www.fbswlaw.com](http://www.fbswlaw.com)

## **THREE MILE CANYON RANCH (PMF BIOFUELS, R. D OFFUTT) (2013)**

This case involved the failure of a one million gallon welded steel biosolids (mixed liquor) storage tank which was a component in a sludge digester, methane production/co-generation facility at the Three Mile Canyon Ranch. I was asked to review the design, construction and mode of failure of this tank, which included a 316 stainless steel domed roof.

### **REFERENCE:**

Will Cassidy, P.E.  
Douglas G. Peterson & Associates, Inc.  
13 Newell Court  
Greenfield, MA 01302  
(800) 528-8151  
[www.dgpa.com](http://www.dgpa.com)

## **WEISEL VS. SHAH KAWASAKI ARCHITECTS, INC. (2013)**

This case involved the collection and conveyance of rainwater at a home located on the island of Maui, Hawaii. I was asked to review the design of the collection and conveyance system. I was not deposed nor did I testify at trial.

### **REFERENCE:**

George J. Ziser, Partner  
Kendall A. Layne, Associate  
Lewis Brisbois Bisgaard & Smith LLP  
333 Bush Street, Suite 1100  
San Francisco, CA 94101  
(514) 362-2580  
[www.lbbslaw.com](http://www.lbbslaw.com)



### ARNOLD VS. YOUNG HOMES (2009)

This case involved the failure of sewage disposal facilities constructed as part of a residential development located in southern California. I took part in a collaborative detailed site investigation to determine mode of failure and potential solutions. The case was settled in early 2013.

**REFERENCE:**

George Bojic, Esquire  
Anthony Livesay, Esquire  
Bojic & Livesay, LLP  
One City Boulevard West, Fourth Floor  
Orange, CA 92868  
(714) 879-4200  
[www.constructiondefects.us](http://www.constructiondefects.us)

### EVANSVILLE, INDIANA VS. ENVIRONMENTAL MANAGEMENT CORP. (AMERICAN WATER) (2012)

This case involved the operation and maintenance by a private contractor of two wastewater treatment plants and associated collection system located in Evansville, Indiana. This case settled prior to trial and after I was deposed.

**REFERENCE:**

John Sheehan, Member  
Clark Hill, PLC  
601 Pennsylvania Avenue, NW, North Building, Suite 1000  
Washington, DC 20004  
(202) 572-8865  
[www.clakrhill.com](http://www.clakrhill.com)

### GERISCH VS. CALIFORNIA WATER SERVICES COMPANY (2011)

This case involved the maintenance of a water distribution system located in southern California. I was asked to review historical operational documents.

**REFERENCE:**

Stan Denis, Esquire  
Stanley Denis Law Offices  
3620 Pacific Coast Highway, Suite 200  
Torrance, CA 90505  
(310) 378-4900  
[www.stdenislaw.com](http://www.stdenislaw.com)



### GOOKIN VS. CONOCO/PHILLIPS (2011)

This case involved the injury of an employee of a contractor working at the Conoco/Phillips oil refinery located in Northern California. I was asked to review the site, speak with Conoco/Phillips employees and review documents.

**REFERENCE:**

Patrick J. Duffy, Esquire  
Cooksey, Toolen, Gage, Duffy & Woog  
535 Anton Blvd., Tenth Floor  
Costa Mesa, CA 92626  
(714) 431-1100  
[www.cookseylaw.com](http://www.cookseylaw.com)

### NOVOTNEY VS. TOWN OF LURAY, VIRGINIA (2012)

This case involved the raw sewage inundation of a home located in Luray, Virginia. I was retained to review the operations and maintenance program of the sewer collection system which is owned, operated and maintained by the Town of Luray. I testified in this case remotely via phone and was not deposed.

**REFERENCE:**

David S. Bailey, General Manager & Senior Counsel  
The Environmental Law Group, PLLC  
5803 Staples Mill Road  
Richmond, VA 23060  
(804) 433-1980  
[www.envirolawva.com](http://www.envirolawva.com)

### ALANIS VS. MP ENGINEERING ET AL. (2012)

This case involved the damaging of a twelve inch diameter water main, owned, operated and maintained by the Jurupa Community Services District. The water line was damaged by a contractor working on a private residential lot. I was asked to review documents and determine whether or not the CSD responded in an appropriate manner to the line breach. The case was settled prior to my deposition.

**REFERENCE:**

Tracy Hughes, Partner  
Koeller Nebeker Carlson Haluck, LLP  
3 Park Plaza, Suite 1500  
Irvine, CA 92614  
(949) 864-4300  
[www.knchlaw.com](http://www.knchlaw.com)



## VITOUX VS. PENINSULA SEPTIC TANK SERVICE (2011)

This case involved rehabilitation and maintenance of a septic tank that collapsed, causing personal injury. I was retained to evaluate the cause of failure and determine issues of liability. The case settled prior to trial.

### **REFERENCE:**

Michele Kennedy, Esquire  
Spiering, Schwartz & Kennedy  
550 Hartnell Street  
Monterey, CA 93940  
(831) 373-3235  
[www.ssklaw.com](http://www.ssklaw.com)

## FORT MOJAVE TRIBE UTILITY AUTHORITY (FMTUA) VS. OPERATION & MAINTENANCE INTERNATIONAL (OMI) (2011)

This case involved the standard of care and industry standards associated with the operation, maintenance and management of a water and wastewater utility. This particular utility is located in Arizona, in the Needles area. FMTUA terminated their contract with OMI (a subsidiary of CH2M-Hill), the contract operator for over twenty (20) years, and claimed that OMI had not met the standard of care associated with the responsibilities of the contract. I was asked to review the facilities, meet with former OMI employees, review documents and prepare a report and testify before a panel of three arbiters.

### **REFERENCE:**

Greg Cahill, Esquire  
Mariscal, Weeks, McIntyre & Friedlander, P.A.  
2901 North Central Avenue, Suite 200  
Phoenix, AZ 85012  
(602) 285-5000  
[www.mwmf.com](http://www.mwmf.com)



## **KEMCO SYSTEMS, INC. VS. SUPERIOR LINEN SERVICES CO. (2011)**

This case involved the design, installation, operation and maintenance and regulatory compliance of an industrial wastewater treatment plant associated with the Superior Linen Services, Co. facility located in Tacoma, Washington. I was asked to review correspondence, contracts, design drawings and specifications, regulatory review and comments and operational documents and to provide recommendations and opinions regarding the standard of care required for such a design-build project.

### **REFERENCE:**

Brian Rubenstein, Esquire  
Cole, Scott & Kissane, P.A.  
4301 West Boy Scout Blvd., Suite 400  
Tampa, FL 33607  
(813) 864-9300  
[www.csklegal.com](http://www.csklegal.com)

Robert Beattey, Esquire  
Spencer Law Firm, LLC  
1326 Tacoma Avenue S., Suite 200  
Tacoma, WA 98402  
(206) 552-9001  
[www.beattylaw.com](http://www.beattylaw.com)

## **CITY OF SALISBURY, MD VS. O'BRIEN & GERE (2012)**

This case involved the planning, design, operation and regulatory compliance of a municipal wastewater treatment plant located in, owned and operated by the City of Salisbury, Maryland, USA. I was retained in this matter to review the planning, design, construction, operation and regulatory compliance of the rehabilitated and expanded plant, which discharges directly into the Chesapeake Bay.

The planning of this facility was in process for over ten years and included an EPA funded best available technology (BAT) and technological grant for full scale testing of the anoxic/oxic filter for BNR.

This case settled prior to trial. I was neither deposed nor testified at trial.

### **REFERENCE:**

Christopher Hassell, Partner  
Katherine Yoder, Of Counsel  
Bonner Kiernan Trbach & Crociata, LLP  
1233 20th Street NW, 8th Floor  
Washington DC 20036  
(202) 712-7000  
<http://www.bonnerkiernan.com>

## **GLIKSMAN VS. LOS ANGELES COUNTY (2011)**

This case involved the differential movement of a home located in southern California. I was





asked to review the local sewer collection system's historical condition as well as the operation and maintenance programs of the system owner, Los Angeles County. I was deposed and provided testimony at a jury trial in this case. The case was bifurcated. The jury found that the County was liable and the damages were determined by the presiding judge.

**REFERENCE:**

Stan Denis, Esquire  
Stanley Denis Law Offices  
3620 Pacific Coast Highway, Suite 200  
Torrance, CA 90505  
(310) 378-4900  
[www.stdenislaw.com](http://www.stdenislaw.com)

**OLYMPUS-CALISTOGA VS. TAISEI (2010)**

This case involved the construction of a resort and spa located in Calistoga, California. I was asked to review documents and inspect the facilities in order to determine the mode of failure of newly constructed water and wastewater utility facilities, including a wastewater treatment plant. This case settled after my deposition, prior to trial.

**REFERENCE:**

Joseph J. Minioza, Partner  
William F. Wong, Esquire  
Ericksen Arbuthnot  
155 Grand Avenue, Suite 1050  
Oakland, CA 94612  
(510) 832-7770  
[www.ericksenarbuthnot.com](http://www.ericksenarbuthnot.com)

**BUCARIA VS. CALIFORNIA AMERICAN WATER WORKS (2011)**

This case involved a water main break and subsequent property damage. I was retained to evaluate what caused the break as well as the potential liability of the water utility.

**REFERENCE:**

John Haluck, Esquire  
Koeller, Nebeker, Carlson & Haluck, LLP  
1478 Stone Point Drive, Suite 400  
Roseville, CA 95661  
(916) 724-5700  
[www.knchlaw.com](http://www.knchlaw.com)



## BROWN DEER VS. MILWAUKEE METROPOLITAN SEWAGE DISTRICT (2008)

This case involved the sewage inundation of over 100 homes located in the Milwaukee area of Wisconsin. The inundation event occurred in coincidence with a significant rainfall event. The homes are provided sewer service by the Milwaukee Metropolitan Sanitary District (MMSD) among others. I was asked to review the specifics of the event as well as the regulatory codes, and maintenance practices and programs of the MMSD and other local sewer providers.

This case settled in 2012, prior to trial. I was not deposed.

### REFERENCE:

Dave Dubin, Esquire  
Macuga, Liddle & Dubin, PC  
975 E Jefferson Avenue  
Detroit, MI 48207  
(313) 392-0015  
[www.mlclassaction.com](http://www.mlclassaction.com)

Douglas W. Michaud  
Senak Keegan Gleason Smith & Michaud, Ltd.  
550 West Jackson Boulevard, Suite 1400  
Chicago, IL 60661  
(312) 214-1400  
[www.skfsmllaw.com](http://www.skfsmllaw.com)

## UTILITIES INC. VS. WILLOW CREEK HOLDINGS (2011)

This case involved the reuse of treated wastewater in Pahrump, Nevada. I was retained to evaluate and respond to a report written by another engineer regarding the potential causes of biological excesses in the reuse water. The status of this case is unknown to me.

### REFERENCE:

Mark C. Hafer, Esquire  
Patti, Sgro & Lewis  
720 South 7th Street, Suite 300  
Las Vegas, NV 89101  
(702) 385-9595  
<http://www.pattisgrolewis.com>



### THERMA-FLITE, INC. VS. CITY OF CANBY, OREGON (2011)

This case involved the design, installation and operation and regulatory compliance of a biosolids dryer at the Canby wastewater treatment plant. I was asked to review documents (design, installation, operation and maintenance, industrial pretreatment program and regulatory compliance), visit the site, consult with operational staff and manufacturing staff and provide recommendations.

**REFERENCE:**

Alvin Thomas, Esquire  
General Counsel Consulting Solutions  
3333 Allen Parkway, Suite 2601  
Houston, TX 77019  
(832) 452-8490  
[www.gcconsultingsolutions.com](http://www.gcconsultingsolutions.com)

### ARIZONA-AMERICAN WATER (2011)

This case involved the request for rate adjustment by a private water utility (Arizona-American Water). I was asked to review documents regarding the “used and usefulness” aspects of a new surface water treatment plant located in Arizona. I also inspected the treatment plant in question, produced direct testimony and surrebuttal for the Arizona Utility Commission. The case was settled by the parties prior to a hearing in front of the Commission.

**REFERENCE:**

Curtis Ekmark, Esquire  
Jason Wood, Esquire  
Ekmark & Ekmark, LLC  
6720 N. Scottsdale Road  
Scottsdale, AZ 85253  
(480) 922-9292  
[www.ekmarklaw.com](http://www.ekmarklaw.com)

### KINKLE VS. LEWIS (2010)

This case involved the design, construction and permitting of a Rainey well facility located in Fallon, Nevada. I was asked to review documents as well as the site.

**REFERENCE:**

John Aberasturi, Partner  
Erickson, Thorpe & Swainston, Ltd.  
PO Box 3559  
Reno, NV 89505  
(775) 786-3930  
[www.etsreno.com](http://www.etsreno.com)

### SCHROEDLE-WOJATSKE VS. POJOAQUE TERRACE (2010)

This case involved the most unfortunate demise of a man at a wastewater treatment facility



located in Santa Fe, New Mexico. I was asked to review documents as well as inspect the site.

**REFERENCE:**

Randy Bartell, Esquire  
Montgomery & Andrews  
PO Box 2307  
Santa Fe, NM 87504-2307  
(505) 982-3873  
[www.montand.com](http://www.montand.com)

**T & K VS. INLAND EMPIRE UTILITY AGENCY, ET AL. (2010)**

This case involved the design and construction of major modifications as well as an expansion of an existing wastewater treatment plant in southern California. The issues that I was asked to address revolved around the design of the facilities. The case was settled prior to trial.

**REFERENCE:**

Jean Cihigoyenette, Esquire  
Cihigoyenette Grossberg & Clouse  
8038 Haven Avenue, Suite E  
Rancho Cucamonga, CA 91730  
(909) 483-1850  
<http://www.cgclaw.com>

**FORNEY VS. CITY OF WINNEMUCCA, NEVADA (2010)**

This case involved the inundation of the Forney residence with raw sewage from the City of Winnemucca's sewer collection system. I reviewed depositions and City records and testified at a jury trial. The verdict was in favor of the plaintiff in the amount of \$144,000 plus legal fees.

**REFERENCE:**

Dane Anderson, Esquire  
Ben Johnson, Esquire  
Woodburn & Wedge  
Sierra Plaza  
6100 Neil Road, Suite 500  
Reno, NV 89511-1149  
<http://www.woodburnandwedge.com>



### ITANI VS. YORBA LINDA WATER COMPANY (2009)

This case involved the water supply provided by the Yorba Linda Water Company during a wildfire in southern California. I was asked to review documents regarding the water supply and the response of the water purveyor to the fire event.

**REFERENCE:**

Robert J. Wolfe, Esquire  
Engstrom, Lipscomb & Lack  
10100 Santa Monica Boulevard, 12th Floor  
Los Angeles, California 90067  
(310) 552-3800  
[www.elllaw.com](http://www.elllaw.com)

### MARYETT VS. PREFERRED PROPERTIES, SACRAMENTO SUPERIOR COURT CASE NO. 03AS03046 (2007)

This case involves the Regency Mobile Home Park located in Sacramento, California. I was retained to review the facilities as well as the operating, regulatory, construction and repair records of the wastewater collection system.

**REFERENCE:**

Pamela G. Lacey, Esquire  
Cooksey, Toolen, Gage, Duffy & Woog  
535 Anton Boulevard, Tenth Floor  
Costa Mesa, CA 92626  
(714) 431-1100  
[www.cookseylaw.com](http://www.cookseylaw.com)

### WAYNE W. FLINT VS. ICE SERVICES, INC., CIVIL CASE NO. 3AN-09-011163 (2010)

This case involved the wrongful termination of a wastewater treatment plant operator in Prudhoe Bay, Alaska. I was asked to review documents regarding the wastewater treatment plant's operation and maintenance and regulatory compliance as well as the allegations of the operator in question.

**REFERENCE:**

Mr. Terry Venneberg, Esquire  
Terry A. Venneberg, Attorney at Law  
3425 Harborview Drive  
Gig Harbor, WA 98332  
(253) 858-6601  
[www.washemploymentlaw.com](http://www.washemploymentlaw.com)



## **SAN DIEGO COUNTY WATER AUTHORITY VS. MWH GLOBAL (2010)**

This case involved the design and construction of a 110-inch diameter water line, pump station and hydro-electric power plant in San Diego County, California. The potable water line is approximately 2.5 miles in length and has an elevation difference of approximately 300 vertical feet. I was asked to review design and construction documents as well as the site.

### **REFERENCE:**

Steve Selbe, Senior Counsel  
Brandon D. Saxon, Esquire  
Gordon & Rees LLP  
101 W. Broadway, Suite 2000  
San Diego, CA 92101  
(619) 696-670  
[www.gordonrees.com](http://www.gordonrees.com)

## **METRO COMMERCIAL PROPERTIES VS. LANDWELL CO. (2008)**

This case involved the water distribution system improvements required by the City of Henderson, Nevada, of a developer. In short, Metro purchased property from Landwell, and when Metro went to construct on said land, the City of Henderson required Metro to construct improvements to the water system. Metro contended that Landwell knew or should have known that the improvements were going to be required when the land was developed and should have made Metro aware of that prior to the purchase.

I was retained to review the information available and to develop opinions regarding the issues being contested. The case was settled prior to trial.

### **REFERENCE:**

Ms. Tracy A. DiFillippo, Esquire  
Jones Vargas  
3773 Howard Hughes Parkway, Third Floor South  
Las Vegas, NV 89169-0949  
(702) 862-3300  
[www.jonesvargas.com](http://www.jonesvargas.com)



## **ROSE HALL RESORT, LP VS. RITZ-CARLTON HOTEL COMPANY, OR JAMAICA (2009)**

This case involved a sewage treatment plant that treated all of the sewage associated with the Ritz-Carlton Hotel located in Rose Hall, Jamaica. I was asked to review documents in order to understand the design, regulatory codes, operation, and maintenance and management of the facility. This case was decided by a three judge arbitration panel, in front of which I testified.

### **REFERENCE:**

David A. Handzo, Esquire  
Lindsay C. Harrison, Esquire  
Matthew J. Dunne, Esquire  
Jenner & Block  
1099 New York Avenue, NW  
Washington, DC 20001-4412  
(202) 639-6866  
[www.jenner.com](http://www.jenner.com)

## **KAREN HECKMAN VS. MILLIE & SEVERSON, INC. (2010)**

This case involved the backup and overflow of a sanitary sewer that serves a hospital in southern California. A young woman carrying her child was apparently injured when she inadvertently walked through the remains of the overflow and slipped and fell to the ground. I was asked to review documents to determine the cause of the backup. This case settled prior to trial.

### **REFERENCE:**

Karen Ho Vasey, Esquire  
Christensen Ehret  
1629 Cravens Avenue  
Torrance, CA 90501  
(310) 222-8607  
[www.christensenlaw.com](http://www.christensenlaw.com)

## **CITY OF PORTLAND VS. KERR CONSTRUCTORS (2010)**

This case involved the failure of a 30-inch diameter PVC and HDPE sewage force main. The pipeline, which is over three miles in length, was constructed in approximately 2000 and includes an eight pump, pump station. I was retained to review all available materials in order to determine the mode and cause of failure.

The case was settled prior to trial.

### **REFERENCE:**

Damon L. Henrie, Esquire  
Dunn Carney Allen Higgins & Tongue LLP  
851 SW 6th, Suite 1500  
Portland, OR 97204  
(503) 224-7324  
[www.dunncarney.com](http://www.dunncarney.com)



### **CITY OF PORTLAND VS. EBBA IRON, ET AL. (2008)**

This case involved the failure of a 30-inch diameter PVC and HPDE sewage force main. The pipeline, which is over three miles in length, was constructed in approximately 2000 and includes an eight-pump, pump station. I was retained to review all available materials in order to determine the mode and cause of failure.

The defendant was released from the case prior to trial.

**REFERENCE:**

James M. Daigle, Esquire  
Brisbee & Stockton, LLC  
139 NE Lincoln Street  
Hillsboro, OR 97124  
(503) 648-6677  
[www.brisbeeandstockton.com](http://www.brisbeeandstockton.com)

### **BOOKSPAN VS. CITY OF SANTA BARBARA (2008)**

This case involved the sewage inundation of a home located in Santa Barbara, California. The inundation event occurred in coincidence with a significant rainfall event. The home was provided sewer service by the City of Santa Barbara. I was asked to review the specifics of the event as well as the regulatory codes, and maintenance practices and programs of the City of Santa Barbara.

The case was settled prior to trial.

**REFERENCE:**

Dave Nye, Esquire  
Nye, Peabody, Stirling & Hale, LLP  
33 West Mission Street, Suite 201  
Santa Barbara, CA 93101  
(805) 963-2345  
[www.nps-law.com](http://www.nps-law.com)

### **ACADEMY OF THE SIERRAS (2008)**

This case involved the failure of a leach field that serves a youth residential treatment facility located in Reedley, California. The leach field was designed and constructed in 2003 and demonstrated signs of failure almost immediately. I was asked to review the investigations that have taken place to date, as well as the historical regulatory files, and provide recommendations and comments with regards to rehabilitation, repair or replacement, and liabilities.

**REFERENCE:**

Craig Winterman, Esquire  
Hertzfeld & Rubin, LLP  
Los Angeles, CA  
(310) 553-0451  
[www.hrrlp-law.com](http://www.hrrlp-law.com)





### BIRKHOLZ VS. FIRST CLASS SANITATION (2008)

This case involved the failure of a residential leach field and revolves around the proper operation and maintenance of the system, specifically, the historical pumping of the septic tank. I was asked to review the design, permitting, construction and operation and maintenance of this facility. The case was settled prior to trial.

**REFERENCE:**

Jared Simmons, Esquire  
Simmons Law Offices, LLC  
3877 N. Seventh Street, Suite 340  
Phoenix, AZ 85014-0001  
(480) 998-1500  
[www.simmonslawoffice.com](http://www.simmonslawoffice.com)

### HEBGEN LAKE ESTATES OWNERS ' ASSOCIATION VS. GALLATIN COUNTY, MONTANA (2008)

This case involved the operation and maintenance of a community sewage system, including collection, transmission, treatment and disposal facilities. The system is owned by the Owners ' Association; however, it is operated and maintained by Gallatin County.

I was retained to review the operation, maintenance, regulatory compliance, management and finances of the facilities by the County.

**REFERENCE:**

Ed Guza, Esquire  
Guza, Williams & Nesbitt  
25 Apex Drive, Suite B  
Bozeman, MT 59718  
(406) 586-2228  
[www.gwnlaw.com](http://www.gwnlaw.com)

### UNKNOWN VS. LENARE COMMUNITY SERVICES DISTRICT, FRESNO COUNTY SUPERIOR COURT (2007)

This case involved the water quality issues associated with the District. I was retained in this matter which was settled prior to a formal claim.

**REFERENCE:**

Robert Harding, Partner  
Clifford & Brown, A Professional Corporation  
1430 Truxtun Avenue, Suite 900  
Bakersfield, CA 93301  
(661) 322-6023  
[www.clifford-brownlaw.com](http://www.clifford-brownlaw.com)



## PLEASANT SPRINGS PROPERTIES & NEVADA HARVEST PROPERTIES VS. SHADOW CREEK PROPERTIES OF NEVADA, LLC, THIRD JUDICIAL COURT OF THE STATE OF NEVADA (2007)

This case involved three mobile home parks located in Dayton, Silver Springs and Yerington, Nevada. Each park operates its own potable water (wells, storage, pumping, distribution, disinfection) and wastewater (collection, treatment and disposal) utilities. I was retained to review the facilities as well as the design, regulatory compliance and permitting, operating, construction and repair records of these utilities.

The case was heard in binding arbitration and was decided in favor of the defendant.

### **REFERENCE:**

Paul Matteoni, Esquire  
Lewis & Roca, LLP  
Bank of America Plaza  
50 West Liberty Street, Suite 410  
Reno, NV 89501  
(775) 823-2900  
[www.lrlaw.com](http://www.lrlaw.com)

## SUSAN REED VS. DR HORTON HOMES (2007)

This case involved defects associated with a private pool, spa and water features. I reviewed the design drawings for the facility, conducted an inspection and provided a brief report of my findings. The case settled prior to trial.

### **REFERENCE:**

Andrew Green, Esquire  
McKay Law Firm, Chtd.  
3295 N. Fort Apache Road, Suite 150  
Las Vegas, NV 89129  
(702) 835-6956  
[www.mckaylawfirmchtd.com](http://www.mckaylawfirmchtd.com)



## NAGLE VS. CITY OF LOS ANGELES (2008)

This case involved the sewage inundation of a home located in Pacific Palisades, California. The home was provided sewer service by the City of Los Angeles, which contended that the inundation was due to a faulty and/or inadequately maintained sewer backflow valve. I was asked to review the condition and maintenance of the backflow valve as well as the operation and maintenance of the sewer main, which was the source of the sewage. The sewer main had plugged due to inadequate maintenance and an inappropriate root control program.

I was deposed and testified at trial in front of a jury. The jury found that the sewer backflow valve did not malfunction and was properly maintained and that the City's operation and maintenance of its sewer infrastructure was inadequate.

The jury awarded the Plaintiff \$650,000 plus legal fees.

### REFERENCE:

Mr. Ilan Heimanson, Partner  
Pocrass, Heimanson & Wolf, LLP  
1925 Century Park East, Suite 1360  
Los Angeles, CA 90067  
(310) 550-9050  
[www.phwlaw.com](http://www.phwlaw.com)

## PURELEAU VS. TOWN OF LADYSMITH, BC, CANADA (2007)

This case involved a manufacturer of wastewater treatment equipment and a town in British Columbia, Canada. I reviewed the agreements between the two parties as well as some performance testing and analysis that were performed by a third-party engineering firm. At issue in this matter was whether or not the engineering firm acted reasonably in its evaluation of the performance of the manufacturer's (Pureleau) product. The litigation was dropped.

### REFERENCE:

Mr. J. Kenneth McEwan, Q.C., Partner  
Farris, Vaughan, Wills & Murphy, LLP  
25th Floor, 700 W. Georgia Street  
Vancouver, BC V7Y 1B3  
Canada  
(604) 661-9356  
[www.farris.com](http://www.farris.com)

## JOHN F. SHARKEY, ET AL. VS. RENO CORPORATE CENTER, LLC, ET AL. (2007)

This case involved the flooding of several homes located in southeast Reno, Nevada. The



subdivision has flooded historically every few years; however, capital projects were designed and constructed in 1991 by the City of Reno to prevent flooding in the future. In 2005/2006, flooding reoccurred during a heavy rain event. I was retained as an expert consultant in this matter and reviewed the history of the area and its watersheds over the past 30 years and the design of recent developments downstream of the subdivision, as well as other material. My client's party, a Reno Engineering firm, was released from the litigation.

**REFERENCE:**

John Boyden, Partner  
Erickson, Thorpe & Swainston, Ltd.  
PO Box 3559  
Reno, NV 89505  
(775) 786-3930  
[www.etsreno.com](http://www.etsreno.com)

**DARRELL & VALERIE WILDMAN VS. LAKE OF THE WOODS MUTUAL WATER COMPANY, INC. AND PATRICK BANFIELD (2007)**

This case involved claims made by customers of the Mutual Water Company regarding the water quality provided as it pertained to specific health ailments. I was retained to review operational and regulatory records of the water company. This case was settled prior to court.

**REFERENCE:**

Robert Harding, Partner  
Clifford & Brown, A Professional Corporation  
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Bakersfield, CA 93301  
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## **JOHN E. HOLLOWAY & ANN HOLLOWAY, HUSBAND & WIFE VS. COUNTY OF STOREY, NEVADA, DEPARTMENT OF PUBLIC WORKS, (2007)**

In this case, the home of a sewer customer of the Storey County Public Works Department was inundated with raw sewage as a result of a sewer main blockage. The sewer main was owned, operated and maintained by the Storey County Public Works Department. I reviewed materials and provided expert opinions on the source of the inundation, and the management, operation and maintenance programs, policies, procedures, personnel and funding of the Public Works Department. I was declared as an expert witness; however, I was not deposed. Shortly after I was declared, the defendant made an offer to settle, which was accepted by the plaintiff.

### **REFERENCE:**

Gordon Cowan, Esquire  
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Reno, NV 89519  
(775) 786-6111  
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## **STATE OF ARIZONA VS. BRENT HENRY WEIDMAN, (2006)**

This case was a criminal prosecution (two counts of manslaughter, one count of aggravated assault and one count of endangerment) of the Chief Executive Officer (CEO) of Far West Water & Sewer, Inc. (FWW&S), an Arizona Corporation that provides operation and maintenance services of both potable water and municipal and industrial wastewater utilities. In 2001, two men died at a wastewater treatment facility at which a crew from FWW&S was present. One of the men who died was an employee of FWW&S, and one was employed by a third-party contractor. The State of Arizona criminally prosecuted the companies that employed the two men who died (FWW&S and Santec Corporation, a Colorado Corporation). Santec pleaded guilty and FWW&S was found guilty of various charges.

In this case, I reviewed deposition and trial transcripts (from the trial concerning the companies), the operations and maintenance and safety program for FWW&S, safety training of staff, safety equipment inventories, certifications and licensure and other relevant qualifications of staff members of both companies. I issued a preliminary report and was interviewed by the Arizona Attorney General's office.

The jury in this case convicted Mr. Weidman of two counts of negligent homicide and two counts of endangerment.

### **REFERENCE:**

Michael D. Kimerer, Esquire  
Amy Lynn Nyugen, Esquire  
Kimerer & Derrick PC  
221 E. Indianola Avenue  
Phoenix, AZ 85012-2002  
(602) 279-5900



**ANDERSEN VS. CITY OF FERNDALE, WASHINGTON, SUPERIOR COURT OF WASHINGTON, COUNTY OF WHATCOM CASE NO. 03-2-00070-8 (2006)**

In this case, the home of a sewer customer of the City of Ferndale was inundated with raw sewage as a result of sewer main blockage. The sewer mains were owned, operated and maintained by the City of Ferndale. I reviewed materials and provided expert opinions at trial (jury) on the source of the inundation, and the management, operation and maintenance programs, policies, procedures, personnel and funding of the Mt. View Sanitary District. The jury found in favor of the defendant and awarded \$375,000.00 in damages.

**REFERENCE:**

Steve Chance, Esquire  
119 N. Commercial Street, Suite 275  
Bellingham, WA 98225  
(360) 676-9700

**RUBINO VS. MT. VIEW SANITARY DISTRICT, SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA, CASE NO. C05-01096 (2006)**

In this case, the home of a sewer customer of the Mt. View Sanitary District was inundated with raw sewage as a result of a sewer main blockage. The sewer main was owned, operated and maintained by the Mt. View Sanitary District. I reviewed materials and provided expert opinions on the source of the inundation, the management, operation and maintenance programs, policies, procedures, personnel and funding of the Mt. View Sanitary District. I was deposed on two occasions and also testified at the jury trial twice.

The jury found in favor of the plaintiff and awarded damages in excess of \$100,000.

**REFERENCE:**

Heidi Coad-Hermelin, Esquire  
Sternberg & Coad-Hermelin, LLP  
540 Lennon Lane  
Walnut Creek, CA 94598-2415  
(925) 946-1400



**MALIBU HIGHLANDS MAINTENANCE CORPORATION VS. MALIBU HIGHLANDS 30, LTD., PREMIER GROUP, SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES CASE NO. SC076373 (2003/2006)**

In this action, the Home Owners Association (Malibu Highlands) took action against Premier Group (Premier), which is the original developer of the subdivision. As part of the subdivision, Premier had a sewer collection, treatment and disposal system designed and constructed to serve the development. The disposal system failed after several years of use.

In this case, I reviewed the design, regulatory review and approval, and also the operation and maintenance of the wastewater collection, treatment and disposal facilities. I also conducted an on-site invasive investigation to determine mode of failure of the disposal system and produced a report of my findings along with detailed recommendations and estimate of project cost and schedule.

The case settled in favor of the plaintiff. Defendant paid \$2,900,000.

**REFERENCE:**

George Bojic, Esquire  
Anthony Livesay, Esquire  
Bojic & Livesay, LLP  
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(714) 879-4200

Brian Kabateck, Esquire  
Kabateck, Brown, Kellner  
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Los Angeles, CA 90071  
(213) 217-5000



**BURNS VS. CITY OF LOS ALTOS, SANTA CLARA COUNTY SUPERIOR COURT OF CALIFORNIA CASE NO. CV816239 (2004/2005)**

In this case, the home of a sewer customer of the City of Los Altos, California, was inundated with raw sewage as a result of a sewer main blockage. The sewer main was owned, operated and maintained by the City of Los Altos, California. I reviewed materials and provided expert opinions on the management, operation and maintenance programs, policies, procedures, personnel and funding of the City of Los Altos Sewer Department.

This case was brought against the City of Los Altos on the legal basis of reverse condemnation. My testimony was provided in deposition as well as trial, where I was accepted as an expert in the field of sewer collection system design, management, operation and maintenance.

The case was decided against the plaintiff.

**REFERENCE:**

Bill Adams, Esquire  
David Lee, Esquire  
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PO Box 12867  
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(510) 451-3300  
[www.fablaw.com](http://www.fablaw.com)





**HARTER TOMATO PRODUCTS VS. HARTER PACKING PARTNERSHIP, JAMS CASE NO. 1130002079; APPEAL 1130002455 SUTTER COUNTY SUPERIOR COURT CASE NO. CVCS03-0541 (2003)**

In this action, Harter Tomato Products (Tomato) took action against Harter Packing Partnership (Packing) for breach of contract associated with the lease of a tomato and peach processing facility. Tomato, the third largest tomato producer in the world, had leased the facility from Packing. The facility included an operational industrial wastewater treatment and disposal facility, including a permit to discharge from the local regulatory authority. Tomato ran the facility and was responsible for regulatory compliance during the time of the lease. Tomato was found liable for damage associated with its conduct regarding the treatment and disposal facilities.

That conduct included numerous violations of the discharge permit and a subsequent revocation of that permit.

On this case, I reviewed operations logs of the wastewater treatment plant, design modifications made to the plant, all of the discharge reports, and analytical quality control results, correspondence and depositions. Based upon this material I provided my opinions as to the operational shortcomings and discharge violations.

The case was adjudicated through binding arbitration in front of a three-judge (retired) panel. I was admitted as an expert in the field of wastewater collection, treatment and disposal systems and testified in the arbitration hearing.

**REFERENCE:**

Legal Counsel for Harter Packing Partnership  
David Boyd, Esquire  
Boyd & Kimball, LLC  
Sacramento, CA 95864  
(916) 917-0700



**ADOBE LUMBER VS. HAROLD TAECKER, ET AL., EASTERN DISTRICT COURT CASE  
NO. CIV S- 02-0186 GEB GGH (2002/2003)**

In this action, Adobe Lumber (Adobe), the owner of a commercial mall that included a dry cleaning facility, took action against the previous owners and operators of the dry cleaning facility (Harold Taecker, et al.) for damages associated with 1,2,3 Trichloropropane (TCP) contamination of facilities, soils and groundwater in and around the site. As well, Adobe contended that the City of Woodland was liable due to poor operation and maintenance of its sewer collection system, which Adobe contended exacerbated the problem by allowing the contaminants to be spread through leaks in the sewer system.

On this case, I reviewed operation and maintenance protocols of the City of Woodland, repair history, environmental studies associated with the contaminant plumes, and conducted an invasive investigation of the sewer lines. Based upon this material, I provided my opinions as to the potential liability of the City of Woodland.

The City was released from the case; however, the case is still in litigation.

**REFERENCE:**

Legal Counsel for the City of Woodland  
Kevin Collins, Esquire  
Tom Gibson, Esquire  
Gene Tanaka, Esquire  
Best, Best & Krieger, LLP  
Sacramento, CA 95814  
(916) 325-4000



**CITY OF FOLSOM, CALIFORNIA VS. SPINK CORPORATION, SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO CASE NO. 00AS02690 (2001/2002)**

In this action, the City of Folsom (COF) claimed that the Spink Corporation (Spink) did not meet the standard of care regarding the design of a raw water gravity transmission line that was constructed between the Folsom Dam and a large industrial user. At one point, the water that was introduced at the dam exceeded the carrying capacity of the line and ended up flooding houses within a subdivision.

In this case, I reviewed operation and maintenance logs of a water conveyance system and a treatment plant that also used the line for conveying water, the design contract, design calculations and drawings, correspondence, as-built drawings and depositions. Based upon this material, I provided my expert opinions as to the “standard of care” associated with this project as well as mode of failure and causation. During my review of the operational logs of the water treatment plant, I discovered that the design flow of the line was exceeded, because the water treatment plant operators did not follow standard operating procedure and inform the dam operators to reduce the flow in the water line.

The action was withdrawn by the City of Folsom following the direct and cross-examination of the City’s operational staff that was on duty at the treatment plant at the time of the event in question. I was admitted as an expert in the field of water treatment and conveyance systems and testified during the arbitration hearing prior to withdrawal of the action by the City of Folsom.

**REFERENCE:**

Legal Counsel for Spink Corporation  
Gary L. Vinson, Esquire  
Greve, Clifford, Wengel & Paras, LLP  
Sacramento, CA 95833  
(916) 443-2011

