

FILE #: 00-MC131

INSURED: JAMES BARNES

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
REQUEST	1
VEHICLE DESCRIPTION	1
VEHICLE EXAMINATION	1-5
PHOTOGRAPHS	6-22
SUMMARY AND CONCLUSIONS	23
REMARKS	23

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Florida State License Number: [REDACTED]

REQUEST

On November 20, 2000, this office received a request from Ms. Judy Riley with State Farm Insurance Companies to investigate a fire that had occurred on November 16, 2000 involving a 1998 Ford conversion motor home owned by [REDACTED]. This office was requested to investigate the fire to determine its cause and origin, and the investigation was conducted by this writer on November 22, 2000 at Sebring Ford where the vehicle was being held.

VEHICLE DESCRIPTION

The vehicle is described as a 1998 Ford F250 conversion motor home, which had been converted by American Cruiser, Incorporated in Napanee, Indiana. The vehicle bears vehicle identification number 1FDNS24L6WH[REDACTED] and current Florida tag of [REDACTED]. The odometer reading at the time of the fire was 3, 070. The vehicle showed no evidence of damage prior to the fire.

VEHICLE EXAMINATION

Exterior examination revealed heavy fire damage at the front of the vehicle. The hood, front grill, windshield and the front nose of the conversion top, which had been added, were heavily damaged as a result of the fire. The windshield was consumed as a result of the fire. The exterior finish on the left and right front fender was consumed. Considerable damage was evident on windows as a result of having been fractured by the fire department. The remaining windows were heavily etched with smoke. The vehicle was equipped with American Racing alloy custom wheels and tires.

The passenger compartment revealed considerable damage as a result of smoke and heat. The burn patterns and damage within the vehicle revealed that the fire emanated from the engine compartment, passed through the opening in the firewall for the heater core, traveled into the right side of the dash and traveled across to the center of the dash. The plastic dash covering on the left side and on the top center was damaged as a result of the fire. The fire department used an axe to gain access to the interior of the dash to extinguish the fire. Several areas of the wiring were skinned. Impressions were in the defroster tubes below the dash pad as a result of having been struck by an axe. The doghouse for the engine, located in the interior of the vehicle, was distorted and had molten plastic on the top as a result of exposure to heat. The vehicle was equipped with a factory Ford cassette radio in the dash. The instrument cluster was heavily etched with smoke. The current odometer reading was 3,070 miles. The headlight switch was in the off position. The heating and air-conditioning controls indicated that the fan blower motor assembly was off, however, the air-conditioning control was set at the maximum air setting. The passenger air bag housing was damaged as a result of the fire. The air bag charge did not deploy as a result of the fire.

The interior trim package for the conversion van was damaged. The four high back captain chairs, located in the front of the passenger section, were heavily damaged as a result of molten plastic and exposure to heat. The burn patterns and damage diminishes as you travel from the front of the vehicle to the rear of the vehicle. The Frigidaire air-conditioning system, mounted in the rear top of the conversion van was eliminated as a source of ignition. The propane system was also eliminated as a source of ignition.

At the time of this writer's examination there was no evidence of a television or other entertainment equipment. Several fold up chairs and other personal items were evident in the storage area, above the cab where the pull out bed is located.

Examination of the fuse panel located under the left side of the dashboard revealed five blown fuses as a result of the fire. They are identified by legend as fuse #2 a 15-amp fuse, fuse #4 a 20-amp fuse, fuse #11 a 15-amp fuse, fuse #23 a 20-amp fuse, and fuse #36 a 5-amp fuse. Enclosed is a copy of the legend for the fuse panel which identifies the particular circuits that are controlled. The only anomalies noted was circuit #23, which is identified by legend as having a 15-amp fuse, however, a 20-amp fuse was in the respective holder.

Examination of the engine compartment revealed heavy damaged as a result of the fire. Heavy damaged was observed to the auxiliary transmission cooler and the radiator. The heaviest damage to the radiator was evident on the left side. The battery and battery terminals located on the right side of the engine compartment revealed no distortion or bulging of the plates. It was noted that the case for the battery was heavily damaged as a result of the fire, exposing the plates in the first, second and third cells. Examination of the solenoid located on the interior right fenderwell panel revealed no evidence of arcing or damage. The wiring in this area had the insulation consumed from it as a result of the fire. One piece of number 10-gauge wire, which runs from the battery isolator located on the left side of the engine compartment, across the front of the radiator, and into the solenoid, revealed evidence of beading and degradation of the wiring at the point of connection near the solenoid. No evidence of arcing was found at the positive battery terminal.

Examination of the fuel injector rails and the fuel supply lines, which were located on the left side rear of the motor, revealed no involvement in the origin of the fire. The only damage evident was soot patterns as a result of the heat within the engine compartment. The butterfly valve was examined on the air intake and found to have only exterior damage as a result of exposure to heat. The electrical wiring that runs from the right side of the engine compartment to the left side of the engine compartment revealed that the insulation was largely consumed as a result of the fire. Several stranded sections of the main wiring

harness, primarily on the left side of the engine compartment, revealed beading and degradation of the wiring.

Examination of the alternator revealed heavy damage of the wiring as a result of the fire. The bottom and right side of the alternator plug was intact, however, distorted as a result of exposure to heat. The 10-gauge electrical wire connection at the top of the alternator revealed that the insulation was consumed for the entire length of the wire. This wire was traced over to the point of attachment to the center lug of the battery isolator. It was noted that the connection at the battery isolator was not connected at the time of this examination. Examination of the wiring ends revealed considerable evidence of beading, arcing and over current. Globules of copper were evident at the termination point for this wire. The crimped end of this wire was still attached to the center lug of the battery isolator. Several other circuits in the immediate area of the left side of the engine compartment revealed evidence of beading and degradation of the wiring at various points.

The burn patterns within the engine compartment revealed that the most intense portion of the fire occurred on the left side of the engine compartment, near the power distribution box that is located above and to the front of the master brake cylinder. The power distribution block was largely consumed as a result of the fire, with only the metal frame for the positive terminal coming in being the only metal that remained in place. The metal runs across and makes connection with the second lead, which runs across to the center of the engine near the alternator, where it has an unbridled connection. The connection points and relay housing for the power distribution block were heavily damaged as a result of the fire. None of the remaining wiring was intact. The wiring in this area is grossly deformed and discolored as a result of the fire. Considerable evidence of interior heating was evident throughout this section of the engine compartment.

FILE NUMBER: 00-MC131  
INSURED: [REDACTED]

The heater hoses, vacuum lines and other components located below the master brake cylinder and the lower section of the engine compartment were largely undamaged as a result of the fire. The engine oil and transmission fluid were within normal operating limits and indicate having been recently serviced.

SUMMARY AND CONCLUSIONS

Based on this writer's examination of the fire-involved vehicle and the information provided, it is the opinion of this writer that the fire originated at the left side of the engine compartment and it cannot be eliminated that the most probable cause for the fire was an electrical malfunction, which occurred in the area of the power distribution block.

Respectfully submitted,  
W. B. POMEROY & ASSOCIATES, INC.

Investigator: Mark A. Curtis

*Wyman B. Pomeroy*  
Wyman B. Pomeroy

MC:slh



NANCY VICKERS-PYLE/Highlands Today

## Fire burns van at mall

\_\_\_\_\_ of Sebring left the Lakeshore Mall to find their van in flames Thursday morning. The fire seemed to have started in the engine area and firefighters contained the fire to the front end of the van. \_\_\_\_\_ said the van was a year old and had less than 5,000 miles on the odometer. \_\_\_\_\_ said the van was insured.



Photo for: 59-V625-472



LR SIDE VIEW, CS



INTERIOR BURNED & MELTED, CS



V1, ODOMETER SHOWS  
3,070 MILES. CS

EA85-085-LC-8583

Photo for: 59-V825-472



RF VIEW OF FIRE DMG. CS



EXTENDED ROOF AREA BURNED. CS



R SIDE VIEW. CS



RR SIDE VIEW. CS

ER05-805-LC-8584

Photo for: 5B-V825-472



REAR AIR A/C UNIT. CS



HEAVY SMOKE DMG TO REAR  
AREA OF MTR HOME. CS



REAR INT MELTED  
& SMOKE DMG. CS

ER05-885-LC-8585



SEATS BEHIND DRIVERS AREA

Photo for: 59-V025-472



UPR SLEEPING AREA ABOVE  
DRIVERS AREA BURNED. CS



ROOF ABOVE DRIVERS  
AREA ALL BURNED. CS



DASH AREA ALL BURNED. CS



TOTAL ENGINE COMPARTMENT  
BURNED. CS

ER05-005-LC-6586

Photo for: 59-V825-472



ENGINE WIRING GOT VERY HOT. CS



ENGINE WIRING GOT VERY HOT. CS



LF VIEW. CS

EA05-885-LC-8587



L SIDE VIEW. CS



POLICY NO. \_\_\_\_\_  
 DATE LOSS 11-16-00  
 INSURED [REDACTED]

CLAIM NO. \_\_\_\_\_

PICTURE NO. 1

DATE/TIME TAKEN \_\_\_\_\_

11-22-00

BY Judy Riley

WEATHER \_\_\_\_\_

LOCATION AND VIEW \_\_\_\_\_

Insured

COMMENTS Vehicle

engine compartment

overview

ADDITIONAL

INFORMATION ☐ OVER

PICTURE NO. 2

DATE/TIME TAKEN \_\_\_\_\_

11-22-00

BY Judy Riley

WEATHER \_\_\_\_\_

LOCATION AND VIEW \_\_\_\_\_

COMMENTS Right side

of engine

compartment

ADDITIONAL

INFORMATION ☐ OVER

OUR FILE NO. \_\_\_\_\_

CO. CLM # 54V625-47





11-16-00

CLOCKWORK

PROCEDURE 7

DATE/TIME FILED

11-22-00

BY Judy Riley

WEATHER

LOCATION AND VIEW

Battery isolator

COMMENTS

ADDITIONAL

INFORMATION

PROCEDURE 8

DATE/TIME FILED

11-22-00

BY Judy Riley

WEATHER

LOCATION AND VIEW

Another view

COMMENTS of #7

ADDITIONAL

INFORMATION

☐ OVER

OUR FILE NO.

CO. CASE # 59-VL25-472





PHOTO NO. 11-16-00  
 DATE 11-22-00  
 BY Judy Riley  
 WEATHER \_\_\_\_\_  
 LOCATION AND VIEW Buttery, slater  
 COMMENTS \_\_\_\_\_

ADDITIONAL  
 INFORMATION ☐ YES ☒ NO  
 PICTURE NO. 8  
 DATE TIME TAKEN 11-22-00  
 BY Judy Riley  
 WEATHER \_\_\_\_\_  
 LOCATION AND VIEW Another view  
 COMMENTS of #7

ADDITIONAL  
 INFORMATION ☐ YES ☒ NO  
 OUR FILE NO. \_\_\_\_\_  
 COLL. NO. 59-V625-476







POLICY NO. \_\_\_\_\_  
 DATE LOSS 11-16-00  
 INSURED [REDACTED]

CLAIMANT \_\_\_\_\_

PICTURE NO. 9

DATE/TIME TAKEN \_\_\_\_\_

11-22-00

BY Judy Riley

WEATHER \_\_\_\_\_

LOCATION AND VIEW \_\_\_\_\_

COMMENTS \_\_\_\_\_

Wire connection  
melted to  
battery isolator.

ADDITIONAL \_\_\_\_\_

INFORMATION ☐ OVER

PICTURE NO. 10

DATE/TIME TAKEN \_\_\_\_\_

11-22-00

BY Judy Riley

WEATHER \_\_\_\_\_

LOCATION AND VIEW \_\_\_\_\_

wiring

COMMENTS Beeding  
to wires  
(internal heat)

ADDITIONAL \_\_\_\_\_

INFORMATION ☐ OVER

OUR FILE NO. \_\_\_\_\_

CO. CLM # 59-1625-47





POLICY NO. \_\_\_\_\_  
 DATE/LOSS 11-16-00  
 INSURED [REDACTED]

CLAIMANT \_\_\_\_\_

PICTURE NO. 11

DATE/TIME TAKEN \_\_\_\_\_

11-22-00

BY Judy Riley

WEATHER \_\_\_\_\_

LOCATION AND VIEW \_\_\_\_\_

Overview of

COMMENTS Vehicle

Driver's Side

ADDITIONAL  
 INFORMATION ☐ OVER

PICTURE NO. 12

DATE/TIME TAKEN \_\_\_\_\_

11-22-00

BY Judy Riley

WEATHER \_\_\_\_\_

LOCATION AND VIEW \_\_\_\_\_

Sticker on

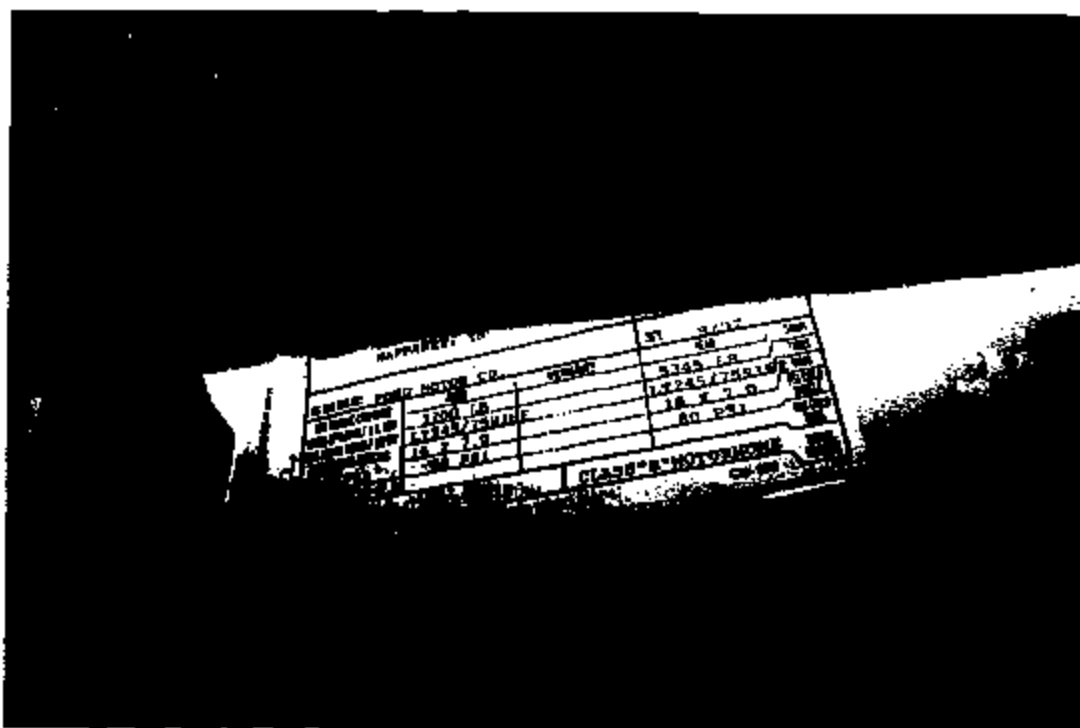
COMMENTS driver's

side door

ADDITIONAL  
 INFORMATION ☐ OVER

OUR FILE NO. \_\_\_\_\_

CO. CLM # 59-V625-472





POLICY NO. \_\_\_\_\_  
 DATE/LOSS 11-16-00  
 INSURED [REDACTED]

CLAIMANT \_\_\_\_\_

PICTURE NO. 13

DATE/TIME TAKEN \_\_\_\_\_

11-22-00

BY Judy Riley

WEATHER \_\_\_\_\_

LOCATION AND VIEW \_\_\_\_\_

Overview of

COMMENTS Vehicle

passenger's side

ADDITIONAL  
 INFORMATION ☐ OVER

PICTURE NO. 14

DATE/TIME TAKEN \_\_\_\_\_

11-22-00

BY Judy Riley

WEATHER \_\_\_\_\_

LOCATION AND VIEW \_\_\_\_\_

Rear of

COMMENTS Vehicle

Window damage

by fire dept.

ADDITIONAL  
 INFORMATION ☐ OVER

OUR FILE NO. \_\_\_\_\_

CO. CLM # SA-11625-4





POLICY NO. \_\_\_\_\_  
DATE/LOSS 11-16-00  
INSURED. [REDACTED]

CLAIMANT \_\_\_\_\_

PICTURE NO. 15

DATE/TIME TAKEN \_\_\_\_\_

11-22-00

BY Judy Riley

WEATHER \_\_\_\_\_

LOCATION AND VIEW \_\_\_\_\_

Driver's side

COMMENTS Steering wheel

ADDITIONAL  
INFORMATION ☐ OVER

PICTURE NO. 16

DATE/TIME TAKEN \_\_\_\_\_

11-22-00

BY Judy Riley

WEATHER \_\_\_\_\_

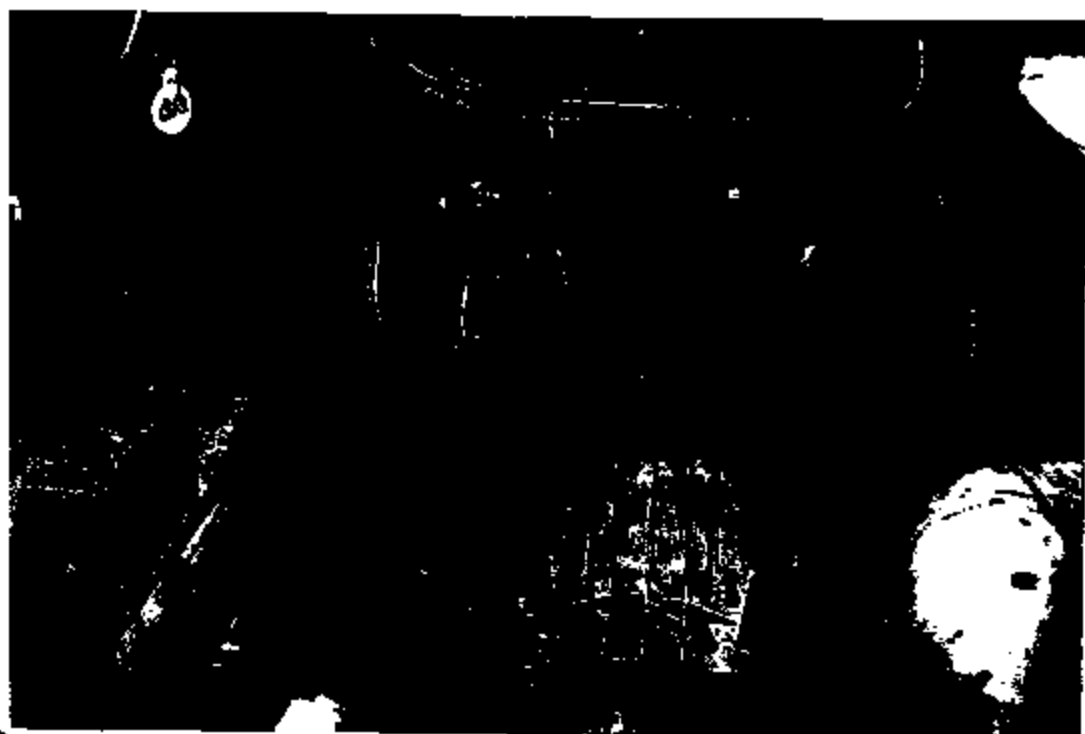
LOCATION AND VIEW \_\_\_\_\_

COMMENTS Behind console in vehicle

ADDITIONAL  
INFORMATION ☐ OVER

OUR FILE NO. \_\_\_\_\_

CO. CLM # 81-11626-272





POLICY NO. \_\_\_\_\_  
 DATE LOSS 11-16-00  
 INJURED [REDACTED]

CLAIMANT \_\_\_\_\_

PICTURE NO. 17

DATE TIME TAKEN \_\_\_\_\_

11-22-00

BY Judy Riley

WEATHER \_\_\_\_\_

LOCATION AND VIEW \_\_\_\_\_

Close-up of

COMMENTS Fuel lines

Not cause of

Loss

ADDITIONAL  
 INFORMATION ☐ OVER

PICTURE NO. 18

DATE TIME TAKEN \_\_\_\_\_

11-22-00

BY Judy Riley

WEATHER \_\_\_\_\_

LOCATION AND VIEW \_\_\_\_\_

COMMENTS Passenger

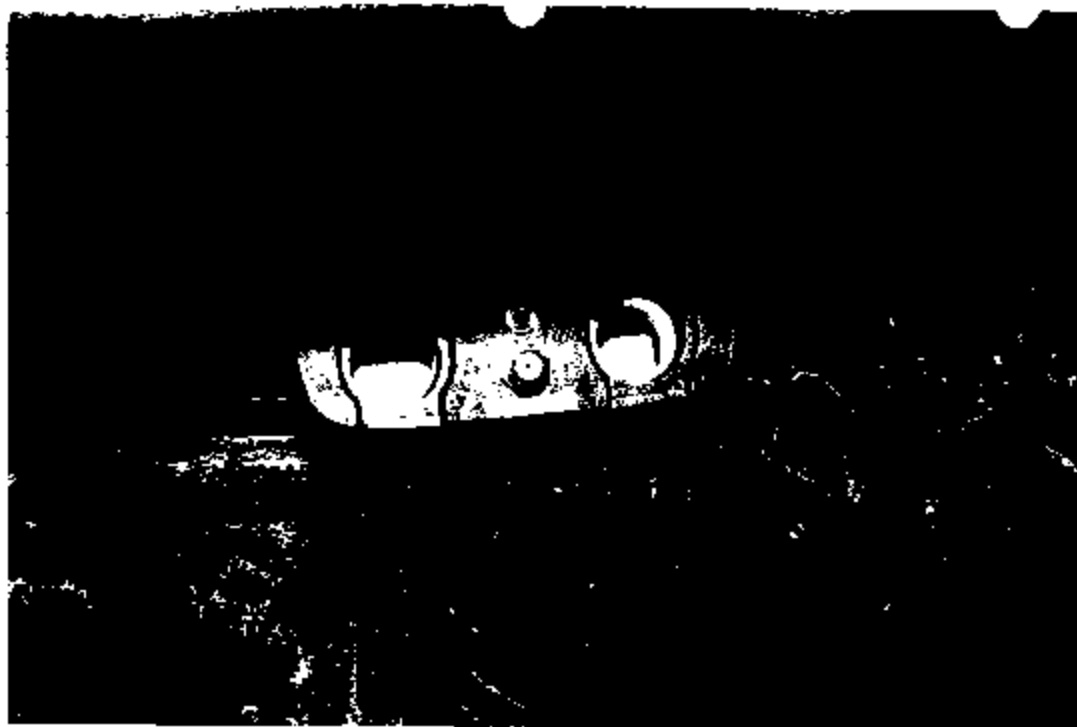
side

ADDITIONAL  
 INFORMATION ☐ OVER

DLR FILE NO. \_\_\_\_\_

CO. CLM 54V625-476





POLICY NO. \_\_\_\_\_

DATE/LOSS 11-16-00

INSURED [REDACTED]

CLAIMANT \_\_\_\_\_

PICTURE NO. 19

DATE/TIME TAKEN \_\_\_\_\_

11-22-00

BY Judy Riley

WEATHER \_\_\_\_\_

LOCATION AND VIEW \_\_\_\_\_

Connection

COMMENTS attached  
to driver's seat.

Not set up for

ADDITIONAL +v connection

INFORMATION yet.  
☐ OVER

PICTURE NO. 20

DATE/TIME TAKEN \_\_\_\_\_

11-22-00

BY Judy Riley

WEATHER \_\_\_\_\_

LOCATION AND VIEW \_\_\_\_\_

Cooking Area

COMMENTS in Vehicle

ADDITIONAL

INFORMATION ☐ OVER

OUR FILE NO. \_\_\_\_\_

CO. CLM # SA-VL625-472





POLICY NO. \_\_\_\_\_  
 DATE LOSS 11-16-00  
 INSURED [REDACTED]

CLAIMANT \_\_\_\_\_

PICTURE NO. 21

DATE/TIME TAKEN \_\_\_\_\_

11-22-00

BY Judy Riley

WEATHER \_\_\_\_\_

LOCATION AND VIEW \_\_\_\_\_

Another view

COMMENTS of #20

ADDITIONAL  
 INFORMATION ☐ COVER

PICTURE NO. 22

DATE/TIME TAKEN \_\_\_\_\_

11-22-00

BY Judy Riley

WEATHER \_\_\_\_\_

LOCATION AND VIEW \_\_\_\_\_

Interior

COMMENTS from

rear looking

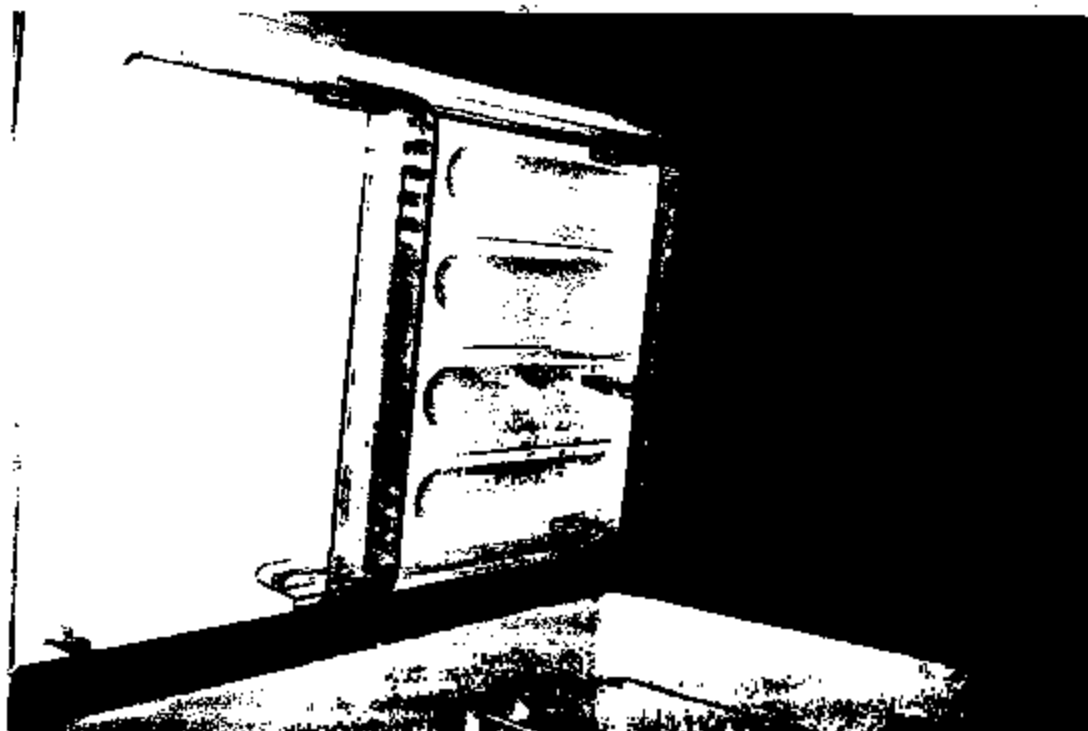
forward

ADDITIONAL  
 INFORMATION ☐ COVER

OUR FILE NO. \_\_\_\_\_

CO. CLAIM # 574625-4





POLICY NO. \_\_\_\_\_

DATE/LOSS 11-16-00

INSURED [REDACTED]

CLAIMANT \_\_\_\_\_

PICTURE NO. 23

DATE/TIME TAKEN \_\_\_\_\_

11-22-00

BY Judy Riley

WEATHER \_\_\_\_\_

LOCATION AND VIEW \_\_\_\_\_

Refrigerator

COMMENTS Door

ADDITIONAL  
INFORMATION ☐ OVER

PICTURE NO. 24

DATE/TIME TAKEN \_\_\_\_\_

11-22-00

BY Judy Riley

WEATHER \_\_\_\_\_

LOCATION AND VIEW \_\_\_\_\_

Refrigerator

COMMENTS ice-cube

trays still

wrapped up - never

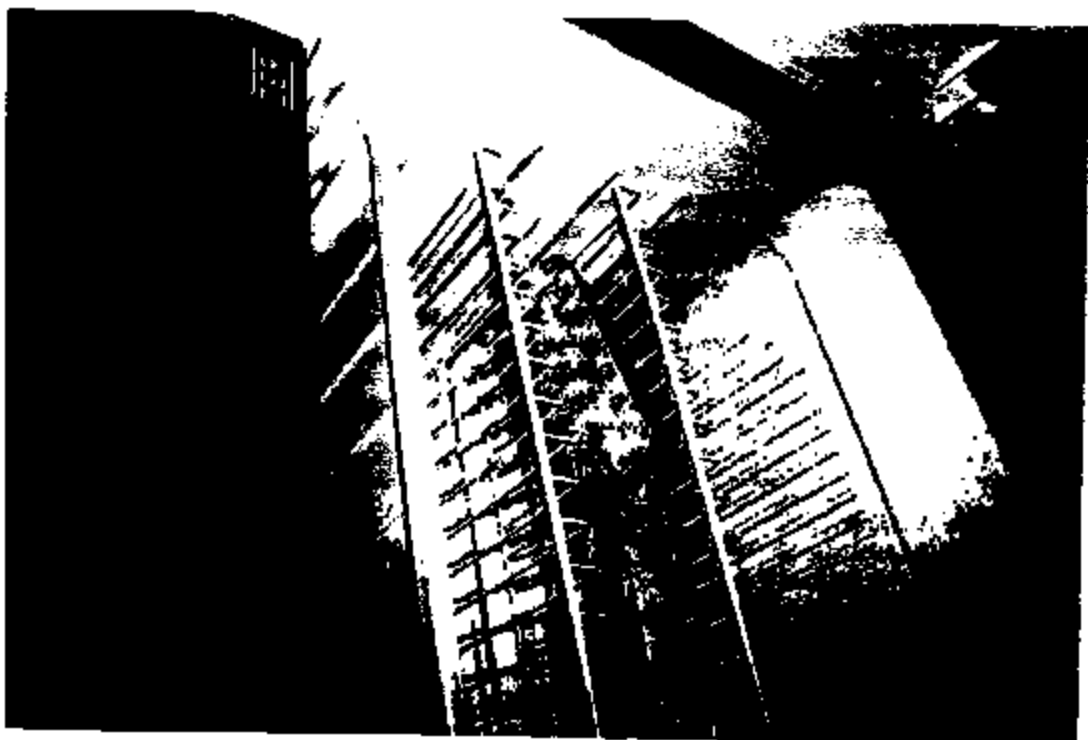
used

ADDITIONAL refrigerator

INFORMATION ☐ OVER

OUR FILE NO. \_\_\_\_\_

CO. CLM # 59-11625-472







POLICE NO. \_\_\_\_\_  
 DATE LOSS 11-16-00  
 INCIDENT \_\_\_\_\_

CLAIMANT \_\_\_\_\_

PICTURE NO. 25

DATE/TIME TAKEN \_\_\_\_\_

11-22-00

BY Judy Riley

WEATHER \_\_\_\_\_

LOCATION AND VIEW \_\_\_\_\_

Cabinet w/

COMMENTS dishes

ADDITIONAL  
 INFORMATION ☐ OVER

PICTURE NO. 26

DATE/TIME TAKEN \_\_\_\_\_

11-22-00

BY Judy Riley

WEATHER \_\_\_\_\_

LOCATION AND VIEW \_\_\_\_\_

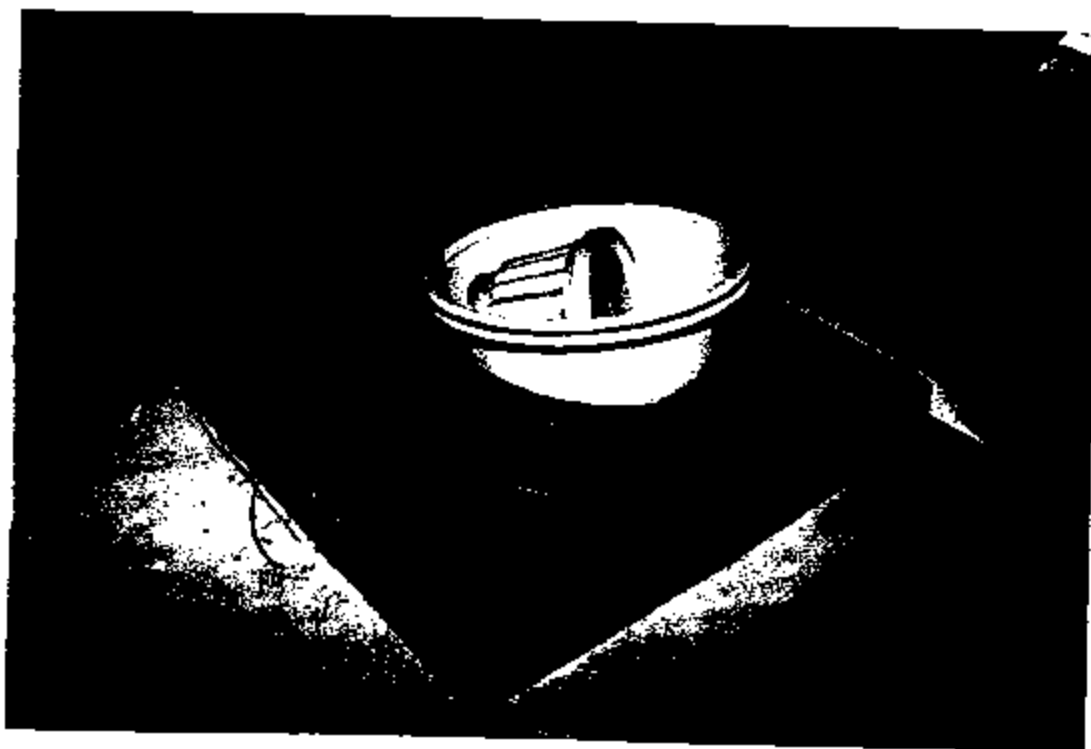
Inexpensive

COMMENTS dishes

ADDITIONAL  
 INFORMATION ☐ OVER

OUR FILE NO. \_\_\_\_\_

CO. CLM # 59-V1625-47





POLICY NO. \_\_\_\_\_  
DATE/LOSS 11-16-00  
INSURED [REDACTED]

CLAIMANT \_\_\_\_\_

PICTURE NO. 27

DATE/TIME TAKEN \_\_\_\_\_

11-22-00

BY Judy Riley

WEATHER \_\_\_\_\_

LOCATION AND VIEW \_\_\_\_\_

Inexpensive

COMMENTS Cup

ADDITIONAL  
INFORMATION ☐ OVER

PICTURE NO. 28

DATE/TIME TAKEN \_\_\_\_\_

11-22-00

BY Judy Riley

WEATHER \_\_\_\_\_

LOCATION AND VIEW \_\_\_\_\_

COMMENTS \_\_\_\_\_

Box on Commode

ADDITIONAL  
INFORMATION ☐ OVER

OUR FILE NO. \_\_\_\_\_

CO. CLM # 59-V1625-47





POLICY NO. \_\_\_\_\_  
 DATE LOSS 11-16-00  
 INSURED [REDACTED]

CLAIMANT \_\_\_\_\_

PICTURE NO. 29

DATE/TIME TAKEN \_\_\_\_\_

11-22-00

BY Judy Riley

WEATHER \_\_\_\_\_

LOCATION AND VIEW \_\_\_\_\_

Storage to right

COMMENTS Of commo

ADDITIONAL  
 INFORMATION ☐ OVER

PICTURE NO. 30

DATE/TIME TAKEN \_\_\_\_\_

11-22-00

BY Judy Riley

WEATHER \_\_\_\_\_

LOCATION AND VIEW \_\_\_\_\_

Shelf above

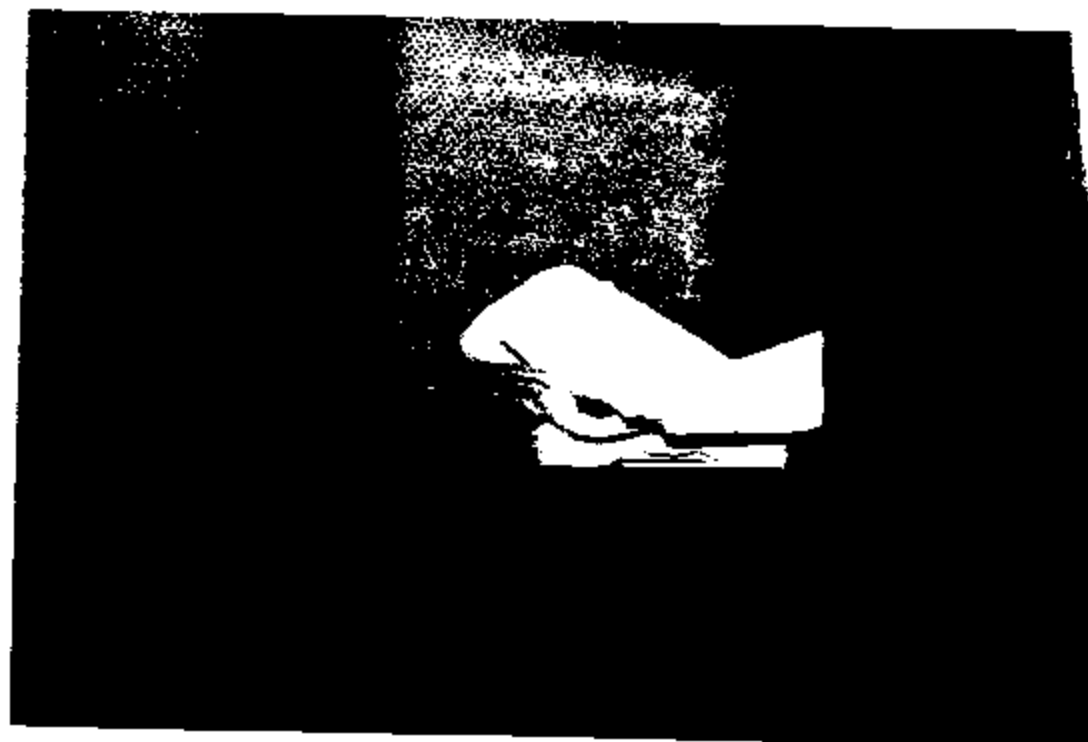
COMMENTS commode

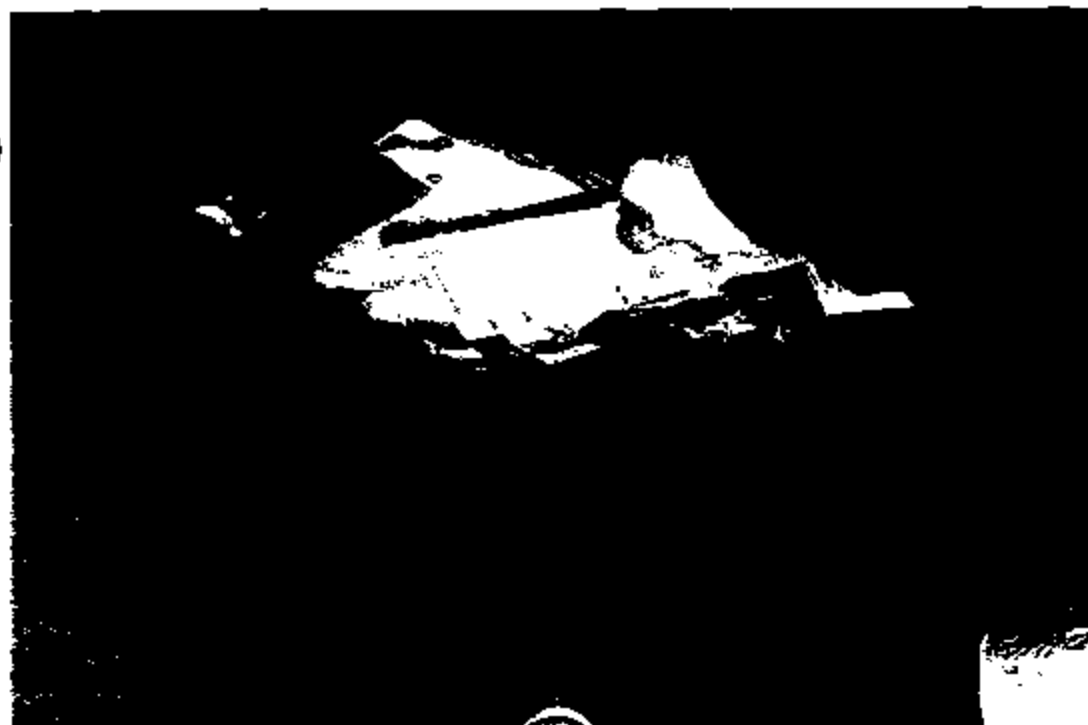
closet

ADDITIONAL  
 INFORMATION ☐ OVER

OUR FILE NO. \_\_\_\_\_

CO. CLM # SA11625-47





POLICY NO. \_\_\_\_\_  
 DATE/LOSS 11-26-00  
 INSURED [REDACTED]

CLAIMANT \_\_\_\_\_

PICTURE NO. 31

DATE/TIME TAKEN \_\_\_\_\_

BY Judy Riley

WEATHER \_\_\_\_\_

LOCATION AND VIEW Misc

COMMENTS Contents of box resting on commode

ADDITIONAL INFORMATION ☐ OVER

PICTURE NO. 32

DATE/TIME TAKEN \_\_\_\_\_

BY Judy Riley

WEATHER \_\_\_\_\_

LOCATION AND VIEW rear of vehicle

COMMENTS \_\_\_\_\_

ADDITIONAL INFORMATION ☐ OVER

OUR FILE NO. \_\_\_\_\_

CO. CLM # SA-VI-25-472





## All Action Details for Issue

Print

VIN: 1FTRW07322K	Year: 2002	Model: F-SERIES	Case: 354361595
Name: [REDACTED]	Owner Status: Original	WSD: 2002-03-15	
Symptom Desc: GENERAL INQUIRIES REQUEST/NON-VEHICLE RELATED		Primary Phone: [REDACTED]	
Reason Desc: LEGAL - ACCIDENT / FIRE		Secondary Phone: [REDACTED]	
Issue Type: 10 OGC	Issue Status: CLOSED		

Action: CONTACT ADVANCED TO OGC

Dealer: 06947 LONE STAR FORD

Origin Desc: US CONCERN CASE BASE

Odometer: 52759 MI

Comm Type: PHONE

Analyst Name: MAYA CINDY

Analyst: CMAYA2

Action Date: 06/09/2005

Action Time: 13.09.37.930

Action Date: No

Comments CUSTOMER SAID: I DID CALL YESTERDAY BUT I TALK TO SOMEONE IN ENGLISH AND THEY COULD NOT UNDERSTAND ME AND I COULD NOT UNDERSTAND THEM AND I DON'T THINK THEY DOCUMENTED MY SITUATION PROPERLY THIS IS WHY I HAD A SERVICE ADVISOR HUMBERTO HERNANDEZ CALL IN FOR ME I PARKED MY CAR AT AROUND 8PM IN THE GARAGE AT MY HOUSE ON JUNE 06/2005-I WAS SLEEPING AND I HEARD AN EXPLOSION-I WANTED TO GET OUT TO SEE WHAT HAPPENED-BUT WHEN I WAS TRYING TO GET OUT THE KITCHEN WAS ON FIRE AND MY HOUSE STARTED TO GO INTO FLAMES-I WAS TRYING TO GET OUT FROM THE BACK BUT THE DOOR WAS LOCKED-I HAD EVERYTHING IN MY HOUSE AND EVERYTHING BURNED DOWN-MY SITUATION WAS ON THE NEWS BECAUSE IT WAS SO BIG BECAUSE THERE WAS A LOAD EXPLOSION AND THEN MY HOUSE STARTED TO GO INTO FLAMES-IT WAS ALL BECAUSE OF THE VEH-THE VEH WAS PARKED IN THE GARAGE BESIDE MY HOUSE-I ALMOST DIED IF MY SON WAS NOT COMING HOME AS HE OPENED THE DOOR-I DON'T HAVE NOTHING AT ALL, RIGHT NOW I AM LIVING WITH MY SISTER-IN-LAW-I FEEL THAT FORD SHOULD COVER FOR ALL THE DAMAGES OF MY HOUSE AND THE VEH BECAUSE THE VEH EXPLODED-I REPORTED THIS SITUATION TO THE INSURANCE, THE POLICE AND THE FIRE DEPARTMENT-THE POLICE GAVE ME A DOCUMENT OF THE REPORT, THE NUMBER OF THE REPORT IS 060807A482-I REPORTED THIS TO MY INSURANCE BUT THEY DID NOT GIVE ME A REPORT NUMBER THEY TOLD ME THAT THEY WOULD SEND A TOW TRUCK AND THEY WILL INVESTIGATE WHY THE TRUCK EXPLODED LIKE THAT-DEALER SAID: S/A HUMBERTO HERNANDEZ WAS ON THE LINE WITH CUST LONE STAR FORD INC8477 NORTH FREEWAYHOUSTON, TX 77037TEL: (281) 931-3300CRC ADVISED: I WILL FORWARD THIS INFORMATION TO THE FORD OGC DEPARTMENT, YOU WILL BE CONTACTED WITHIN 3-5 BUSINESS DAYS-EXPLAINED AND ADVISED CUST THE INFO ABOVE INDICATED TO CUST THAT THE OGC DEPARTMENT WILL CONTACT CUST IN 3-5 BUSINESS DAYS

EPRS-005-LC-0903

## All Action Details for Issue

Print

VIN: 1FTBN032221	Year: 2002	Model: F-SERIES	Case: 354361585
Name: [REDACTED]	Owner Status: Original	WSD: 2002-03-15	
Symptom Desc: FIRE/SMOKE SCORCHED/BURNT		Primary Phone: [REDACTED]	
Reason Desc: LEGAL - ACCIDENT / FIRE		Secondary Phone: [REDACTED]	
Issue Type: 10 OGC	Issue Status: CLOSED		

Action: CONTACT ADVANCED TO OGC

Dealer: 06947 LONE STAR FORD

Odometer: 60 MI

Analyst Name: BOTELLO, GUILLERMO

Action Date: 06/08/2005

Coman Type: PHONE

Analyst: GBOTELLO

Action Time: 09:50:34.093

Origin Desc: US CONCERN CASE BASE

Action Date: No

Comments CUSTOMER SAID: -CUST SAYS HIS VEH EXPLODED WHILE PARKED IN THE GARAGE.-CUST SAYS VEH CAUSED MAJOR DAMAGE TO THE HOUSE.-CUST SAYS VEH IS BURNT COMPLETELY.CRC ADVISED: I WILL FORWARD THIS INFORMATION TO THE FORD OGC DEPARTMENT. YOU WILL BE CONTACTED WITHIN 3-5 BUSINESS DAYS.

EP05-025-LC-6804

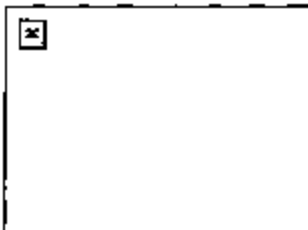
6/14/2005

**KHOU.com / Houston Metro**Houston, Texas [Make this your home page](#) | [Customize](#) | [E-mail newsletters](#) | [MySpecialsDirect](#)**Family homeless after  
Ford pickup sparks  
house fire**

05:01 PM CDT on Tuesday, June 7, 2005

From 11 News Staff Reports

The Harris County Fire Marshal's office reports that a truck sparked a house fire that destroyed one home and badly damaged another in the 2400 block of Warwick in northeast Houston.

**KHOU-TV**

The man who owns the homes said he believes the fire started with his 2002 Ford F-150 truck.

Homeowners woke to the fire after a loud explosion around 1 Tuesday morning.

Flames destroyed one house before firefighters could get the situation under control.

A rental house in the back yard was damaged, but no one was hurt.



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Harris County fire investigators say they think the point of origin was the family truck parked in the driveway. The vehicle is a 2002 Ford F-150

"When the fire was out we got here and we looked at everything," says resident Nancy Nunez. "We couldn't believe it. It was too hard to believe that this was happening to us."

The 2002 Ford truck is not part of the company's recent recall of vehicles that could catch fire when the cruise control switch short circuits.

But it is a year and model the federal government is investigating for the same problem.

Ten people were in the homes at the time, including seven children. All of them were able to get out safely.

The residents said they lost everything and have no insurance.

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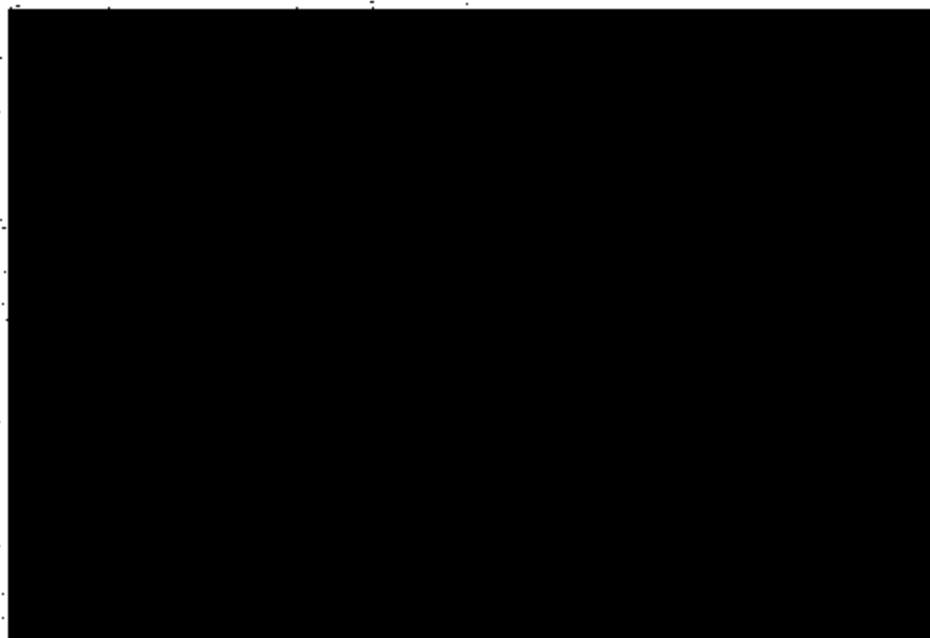


## Table of Contents

<b>News</b>	<b>Sports</b>	<b>Classifieds</b>
<a href="#">Local News State</a>	<a href="#">Texans/NFL</a>	<a href="#">AdCenter</a>
<a href="#">News National</a>	<a href="#">Astros/MLB</a>	<a href="#">Apartments</a>
<a href="#">World Elections</a>	<a href="#">Rockets/NBA</a>	<a href="#">Cars.com</a>
<a href="#">Business</a>	<a href="#">Colleges Super Bowl</a>	<a href="#">DatingCenter My</a>
<a href="#">Consumer</a>	<a href="#">XXXVIII</a>	<a href="#">Specials Direct</a>
<a href="#">Investigation Focus</a>	<a href="#">Traffic</a>	<a href="#">Tools</a>
<a href="#">on HealthSpecial</a>	<a href="#">Real-time &amp; cam</a>	<a href="#">Web links Flight</a>
<a href="#">Reports/Up Close</a>	<a href="#">maps Web cams</a>	<a href="#">tracker Texas Lotto</a>
	<a href="#">Construction closures</a>	<a href="#">Complete site map</a>
<a href="#">Help Center</a>   <a href="#">Contact Us</a>   <a href="#">Terms of Service</a>   <a href="#">UPDATED Privacy</a>   <a href="#">Advertising</a>   <a href="#">Site Map</a>   <a href="#">About Us</a>		

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[Montgomery County](#) [Brazoria County](#) [HPD Crime Lab](#) [Enron](#)  
[Weather Home](#) [Radars](#) [Hurricane Central](#) [Air Quality](#) [Webcams](#) [Ski Reports](#)  
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[Racing](#)  
[Traffic Home](#) [Rush Hour](#) [Routes](#) [Real-time](#) [Traffic Map](#) [Traffic Cams](#) [Traffic Q&A](#)  
[Lifestyles Home](#) [Animal Attraction](#) [Wake Up Call](#) [Pets Home](#) [Home & Garden](#) [Food](#)  
[Entertainment Home](#) [Movies](#) [Music](#)  
[Message Board Home](#) [News of the Day](#) [General Discussion](#) [Weather](#) [Gas Prices](#) [Post-war Iraq](#) [Texas](#)  
[Politics](#) [Auto Repair](#) [Tips from Scott Kilmer](#) [Computers and Internet](#) [Astros](#) [Texans](#) [Rockets](#)  
[Automotive Home](#) [Crank It Up](#)  
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MAR 10 2003

VERSUS

FILED: \_\_\_\_\_

FORD MOTOR COMPANY

KATHERINE R. BOYD

DEPUTY CLERK

**PETITION**

NOW COME plaintiffs, \_\_\_\_\_, a foreign insurer authorized to do and doing business in the State of \_\_\_\_\_ a person of the full age of majority and resident of the State of Louisiana, both who respectfully aver:

I.

Made defendant herein is Ford Motor Company, a foreign corporation authorized to do and doing business in the State of Louisiana.

II.

On or about March 13, 2002, a 1995 Ford Bronco owned by \_\_\_\_\_ was lawfully parked in his driveway in Monroe, Louisiana, when a fire ignited, originating in the power distribution box, which on information and belief, was caused by an electrical short circuit or malfunction.

III.

The fire which occurred in the vehicle in question on or about March 13, 2002, was due to the sole fault and negligence of Ford Motor Company in the following specific particulars:

- a) Manufacturing a vehicle that was defective in design;
- b) Manufacturing a vehicle that was defective in manufacture;
- c) Manufacturing a vehicle which was defective inasmuch as it failed to provide an adequate warning for the above defect;
- d) Manufacturing a defective vehicle inasmuch as there was a breach of an express warranty;
- e) Any and all other acts of negligence or omissions which may be demonstrated at trial of this matter.

IV.

As a result the vehicle owned by \_\_\_\_\_ was damaged and required repair.

CASE ASSIGNED TO:  
CV. SECT. 1

VI.

Pursuant to the terms of the contract existing between [REDACTED] and MetLife Auto & Home, and by principles of legal and conventional subrogation, MetLife is entitled to pursue this claim to recover any and all sums paid by MetLife to or on behalf of [REDACTED]

VII.

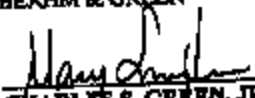
Further, pursuant to the contract of insurance, [REDACTED] was required to pay a deductible and other related expenses and is entitled to recover this amount from the defendant.

VIII.

Petitioners aver amicable demand to no avail.

WHEREFORE, MetLife Auto & Home and [REDACTED] pray for judgment against Ford Motor Company, and pray that defendant be cited and served with a copy of this Petition and be required to answer within the delays allowed by law; and that after all legal delays and due proceedings, there be judgment rendered in favor of MetLife Auto & Home and [REDACTED] and against Ford Motor Company, in an amount reasonable under the premises plus legal interest from the date of judicial demand, all attorney's fees and costs of these proceedings, and all other general and equitable relief allowed by law.

Respectfully submitted,  
BEAHM & GREEN

  
CHARLES S. GREEN, JR. (# 21627)  
MARY M. SMYTHE (#327092)  
Attorney for Plaintiffs  
Suite 408  
145 Robert E. Lee Boulevard  
New Orleans, Louisiana 70124  
(504) 288-2000

**PLEASE SERVE**

Ford Motor Company  
through their agent for service of process  
CT Corporation System  
8550 United Plaza Blvd  
Baton Rouge, La 70809

  
A TRUE COPY  
DEPUTY CLERK  
414 JUDICIAL DISTRICT COURT  
OUACHITA PARISH, LA.

**DENNIS INVESTIGATIONS****REPORT NUMBER: ONE (DUPLICATE)****REPORT DATE: MARCH 26, 2002**

**PREPARED FOR:** MET LIFE AUTO & HOME  
P.O. BOX 158  
OREGON, WISCONSIN 53575

**ATTENTION:** MR. MARK HAGAN

---

**INSURED:** [REDACTED]

**LOSS LOCATION:** [REDACTED]

MONROE, LA

**DATE OF LOSS:** WEDNESDAY, MARCH 13, 2002 APPROX. 5:38 A.M.

**POLICY NUMBER:** [REDACTED]

**CLAIM NUMBER:** [REDACTED]

**FILE NUMBER:** 02-MAR-3538

**DATE RECEIVED:** WEDNESDAY, MARCH 13, 2002

**DATE INVESTIGATED:** THURSDAY, MARCH 14, 2002

---

**PRIVILEGED AND CONFIDENTIAL**

**1617 GOLDEN ROAD • TYLER, TX 75701 • (903) 592-6900**

**EN05-005-LC-6610**

**INSURED: DR. EMILE BARROW****FILE NUMBER: 02-MAR-3538****ASSIGNMENT**

The assignment was received Wednesday, March 13, 2002, from Mr. Mark Setser with instructions to conduct an origin and cause fire investigation. The fire occurred Wednesday, March 13, 2002 at approximately 5:38 a.m. The investigation into the origin and cause of this fire was commenced Thursday, March 14, 2002.

**DESCRIPTION OF VEHICLE**

The vehicle involved in this fire was a 1995 Ford Bronco. It was identified with VIN 1FME015H3SL [REDACTED] and Louisiana license plate number [REDACTED]. This vehicle was powered with a 5.8 liter V-8 engine with an automatic transmission. This vehicle had approximately 98,000 miles and there was no indication of recent work on this Ford Bronco.

**VEHICLE EXAMINATION**

The burned vehicle was examined Thursday, March 14, 2002 starting at 11:45 a.m. This vehicle was systematically photographed during the process of this examination. The vehicle had burned in the garage and was pulled out into the driveway after the fire was extinguished. The vehicle did not receive any other alterations, therefore enabling an accurate fire cause determination.

Due to this Ford Bronco burning in the garage, this area was closely examined. The location where the Ford Bronco was parked was readily detectable. There was a highly pronounced burn pattern on the wall adjacent to the left front fender of the vehicle. An examination of the duplex receptacle, two fluorescent lights, light switch and the breaker panel did not show any evidence of an electrical short circuit or malfunction. Due to these facts, it was ruled out that the household electrical wiring and components caused or contributed to the cause of this fire. A Lincoln Navigator which was parked in the garage was also examined. It was established that the fire did not originate within this vehicle.

The initial examination of the 1995 Ford Bronco revealed it had received what would be considered total fire destruction. The vehicle was basically burned from the front to the rear bumper. The engine compartment and passenger compartment had been gutted by this fire. A comparative analysis of the heat and burn pattern revealed this fire had originated within the engine compartment of the vehicle. The fire had extended into the passenger compartment through the openings in the fire wall. The deepest seated burning was within the left side of the engine compartment. The left front tire is the only one that was destroyed by the fire. The left end of the air conditioner condenser had also completely melted. The hoses, insulation on the wiring and serpentine fan belt on the left side of the engine had been destroyed by the fire and heat. A highly pronounced burn

INSURED: [REDACTED]

FILE NUMBER: 02-MAR-3538

pattern was observed on the left end of the fire wall and the power brake booster. The inner fender had been destroyed by the flames and heat. The power distribution box "fuse panel" was located in the center of this burn pattern. The outer plastic case for the power distribution box and the inner fender had been destroyed by the fire. This allowed the electrical wiring and related electrical components to drop down into the bottom portion of the engine compartment. The remains of the power distribution components and electrical wiring were carefully lifted up and placed on a contrasting background. This allowed closer examination and photographing. Several fused and beaded electrical wires were observed. These conditions are consistent with the results of an electrical short circuit or electrical malfunction. It is my professional opinion that an electrical short circuit or malfunction occurred within this power distribution box and the related electrical components. The heat which was produced by this electrical malfunction ignited the insulation on the wiring and the surrounding combustible materials. The ensuing fire traveled throughout the engine compartment and entered the passenger compartment through the openings in the firewall. As a result, this entire vehicle received what would be considered total fire destruction. The deepest seated burning within the garage was to the wall and ceiling adjacent to this Ford Bronco. This fire scene examination and investigation did not establish any other reasonable cause for this fire. There was no evidence whatsoever which would indicate the cause of the fire was incendiary in nature.

#### SUMMARY REPORT

This fire was first discovered by [REDACTED] Wednesday, March 13, 2002 at approximately 5:38 a.m. He received a call from the hospital and did not go back to bed. He was out in the backyard when he detected smoke coming from the dwelling. He went into the dwelling to see if he could locate the fire. When he opened the passage door into the garage flames were observed at the front of the Bronco. The fire was quickly reported to the fire department and the Ouachita Fire Department responded to the alarm. Upon arrival, there was a large amount of fire within the garage. Members of the fire department soon controlled and extinguished the fire. Greg Thompson, Fire Investigator for Ouachita Parish conducted the investigation. He related in a conference that it is his opinion this fire originated within this 1995 Ford Bronco.

#### CONCLUSION

In conclusion, it is my professional opinion the fire was caused by an electrical short circuit or malfunction within the power distribution box. The ensuing fire traveled throughout the majority of the Ford Bronco and entered the garage where it was parked. This fire scene examination and investigation did not establish any other reasonable cause for this fire. There no evidence whatsoever which would indicate the fire was caused by a failure or malfunction within the household electrical wiring and related components. There was no evidence whatsoever which would indicate the cause of this fire was incendiary in nature.



INSURED [REDACTED]

FILE NUMBER: 02-MAR-3538

If you should have any questions regarding this, or any other matter, please do not hesitate to contact us.

Sincerely,

*Bob Dennis /kf*  
Bob Dennis  
DENNIS INVESTIGATIONS  
BD/kf

461935

Veh.

---

# LEED Corporation

P.O. Box 132208  
Tyler, Texas 75713-2208  
Office: (903) 561-2700

14178 Hwy 110 South  
Tyler, Texas 75791  
Fax: (903) 561-8841  
e-mail: leedcorp@att.net

November 22, 2004

Mr. John J. Fischesser, II  
Attorney at Law  
Beahm & Green  
145 Robert E. Lee Blvd, Suite 408  
New Orleans, Louisiana 70124-2552

Re: [REDACTED]  
Ford Motor Company

Dear [REDACTED]

Per your request, this letter report is furnished regarding the fire occurring at the residence of [REDACTED]. The report is complete to date but may be subject to modification should the introduction of new evidence and/or additional analysis warrant modification of the report. To date the following items have been reviewed:

1. Notes and photographs taken by me on July 2, 2002 of the incident 1995 Ford Bronco owned by [REDACTED]
2. Documentation of circuit/component testing of Ford Bronco performed by Alcoa Fujikura, Ltd.
3. Report of fire scene investigation authored by Mr. Bob Dennis dated March 26, 2002.
4. Deposition of Mr. Bob Dennis dated December 15, 2003.
5. Report dated March 1, 2003 authored by Mr. Larry Helton, fire investigator with Newell Investigative Service.

## Discussion

On July 2, 2002, I met Mr. Lou Malnar of Ford Motor Company to examine the 1995 Ford Bronco vehicle located at the Louisiana Pool Salvage yard in Monroe, Louisiana. The vehicle was secured in the salvage yard and covered with a tarp prior to

SP dated  
L. Malnar  
12/16/04  
[initials]

---

"Providing Leadership in Engineering Services"

EN05-005-LC-0014

our arrival. I recorded a VIN number of 1FMEU15H3SL [REDACTED] with approximately 98,000 miles on the odometer. From an exterior view, the vehicle was likely white in color although covered with soot from the fire. According to Mr. Bob Dennis from his discussion with the owner/assistants, no prior problems had been noted by [REDACTED]. The vehicle had been parked in the garage until the fire was noted at approximately 5:38 am on March 13, 2002.

Starting with the least damage to the vehicle at the rear, I observed increasing damage as one approached the front hood area. Radial heat patterns on the left side of the vehicle and hood indicate origin of fire on the left side of the engine compartment. The damage to the left front tire also supported origin of fire inside the Bronco vehicle engine compartment. An inspection of the interior of the vehicle revealed lesser damage to the upholstery and instrument panel with heavier damage to the instrument panel facing the engine bulkhead. Inside the passenger compartment, I found a cellular power boost antenna module on the driver's side. Tracing wire down to the floorboard on the driver's side, I found a Nokia, Type HFU-2, S/N KG44012880, Made in Finland module. There were three wires leading to the power boost module with each respective 3-amp fuse intact. The wires were connected at the fuse block inside the passenger compartment. Although some wires were laid bare by heat of fire, I found no evidence of abnormal electrical activity. The Nokia power boost module and passenger fuse block were eliminated as causation factors in the fire.

Inside the engine compartment, I observed the battery on the right side front damaged by exposure to heat of fire. From inspection of battery cables, I found both battery cables to be intact without evidence of electrical activity. Although damaged by fire, the air conditioning aluminum components were mostly intact as well as the elastomeric hoses. In comparison on the left side of the engine compartment, damage to aluminum components and elastomeric hoses was more severe. I checked the alternator and connecting wiring and discovered no indication of malfunction. The front grille of the engine compartment had melted as expected and was consumed from the fire. From a frontal view, the radiator exhibited melting on the left side typical of an interior engine compartment fire.

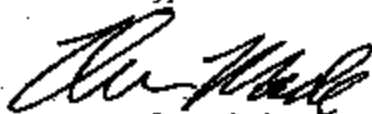
On the left side of the engine compartment, I observed the remains of wiring where the PDB (Power Distribution Box) was located and extending back toward the engine bulkhead. In the location of the PDB, I discovered a terminal connector exhibiting electric arc beading. Further away from the terminal connector in the wiring harness, I found fusing of electrical wires. Tracing the wiring harness back toward the engine bulkhead, I examined wiring without evidence of electrical activity. Of note, I observed a wire adhered to the hood hinge on the left side. The wire exhibited no direct indication of abnormal electrical activity.

During the inspection, Mr. Malnar left to catch a plane. Later on October 27, 2004, an additional inspection was accomplished by a representative of Alcoa Fujikura, the manufacturer of the PDB and wiring harness.

### Conclusion

Based on the area of origin of fire as placed by Mr. Bob Dennis, fire investigator and my examination of the 1995 Ford Bronco damage and electrical systems, I conclude fire causation was due to an electrical short in the PDB. From my examination of the vehicle, I found electrical arc beading on a terminal connector associated with the PDB. Additionally, further electrical activity was discovered in the same vicinity on wiring in the wiring harness. From both electrical activity found in the engine compartment and fire patterns, it is clear the fire originated inside the Ford Bronco vehicle at the Power Distribution Box.

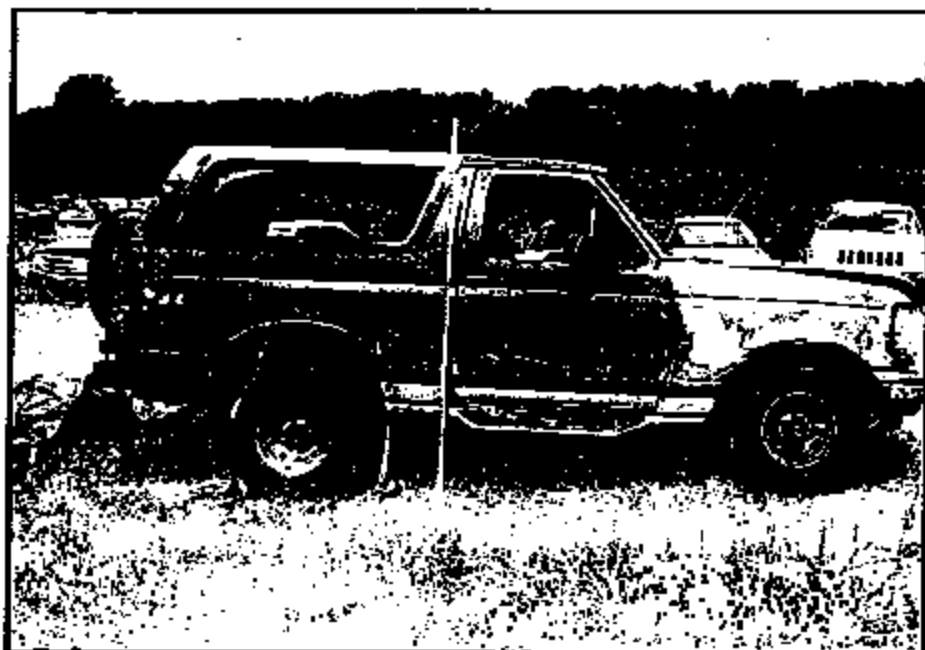
Sincerely,



Vernon J. Wade, P.E.  
LEED Corporation

VJW/blh

## Photographs

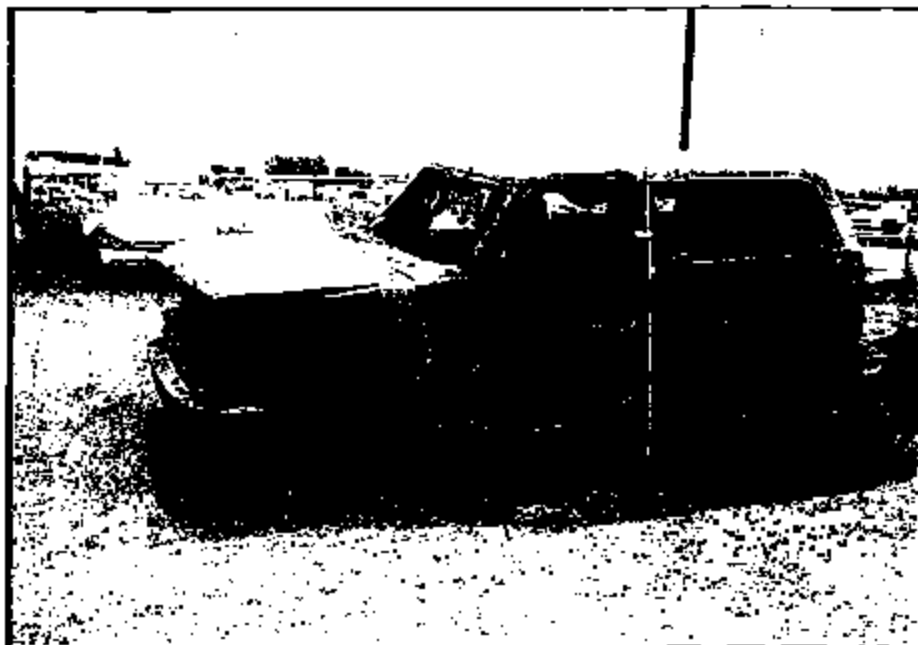


Photograph # 1 - Right side view of the [REDACTED] 1995 Ford Bronco vehicle.



Photograph # 2 - Rear view of the 1995 Ford Bronco.

ER85-085-LC-5518



Photograph # 3 – Left side view of the 1995 Ford Bronco.



Photograph # 4 – Frontal view of the Ford Bronco vehicle.



Photograph # 5 – View of hood and left front of Ford Bronco vehicle.



Photograph # 6 – View of engine compartment in 1995 Ford Bronco vehicle.

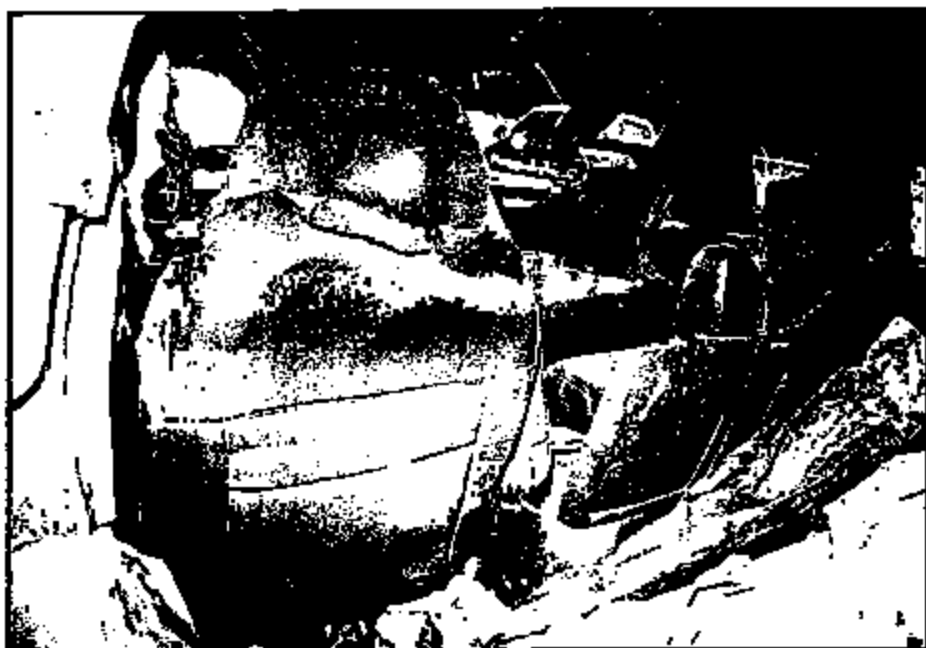




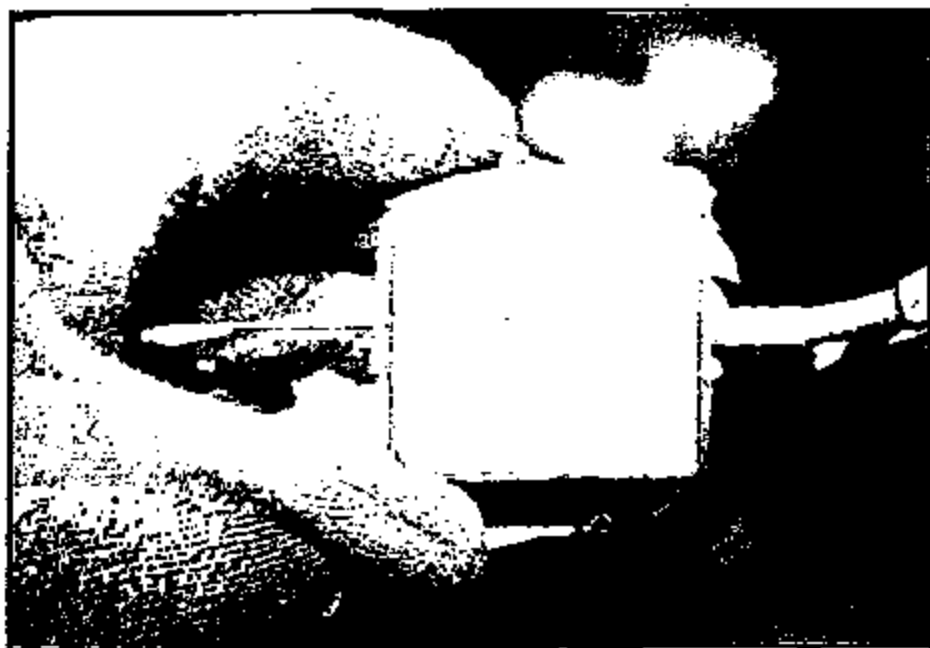
Photograph # 7 - Interior view of the Ford Bronco.



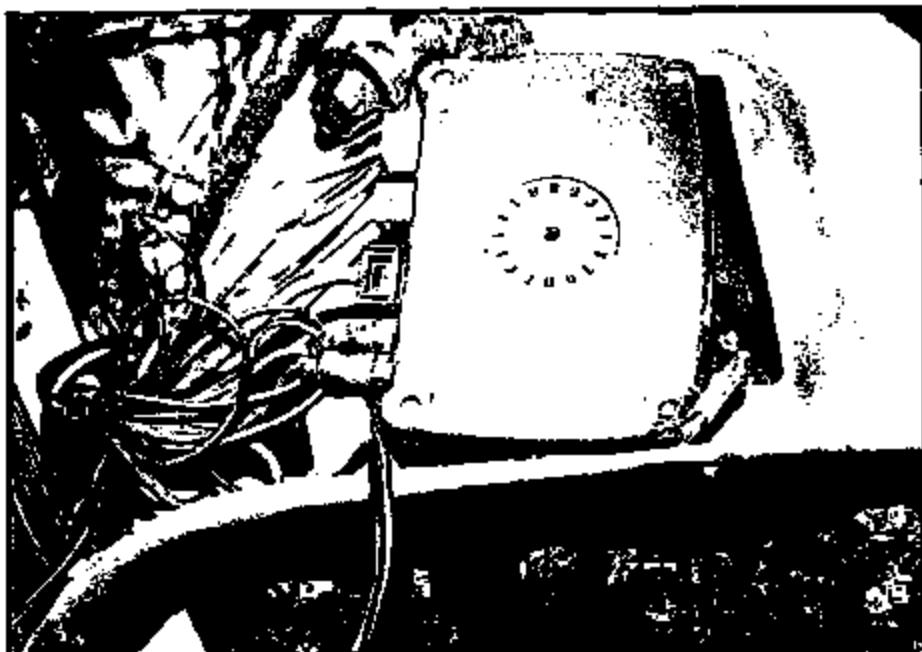
Photograph # 8 - View of dash interface to engine bulkhead. Notice the melting toward the engine bulkhead area.



Photograph # 9 – Another view of the Ford Bronco interior from the rear seat area.



Photograph # 10 – Nokia power boost antenna found in interior of vehicle.



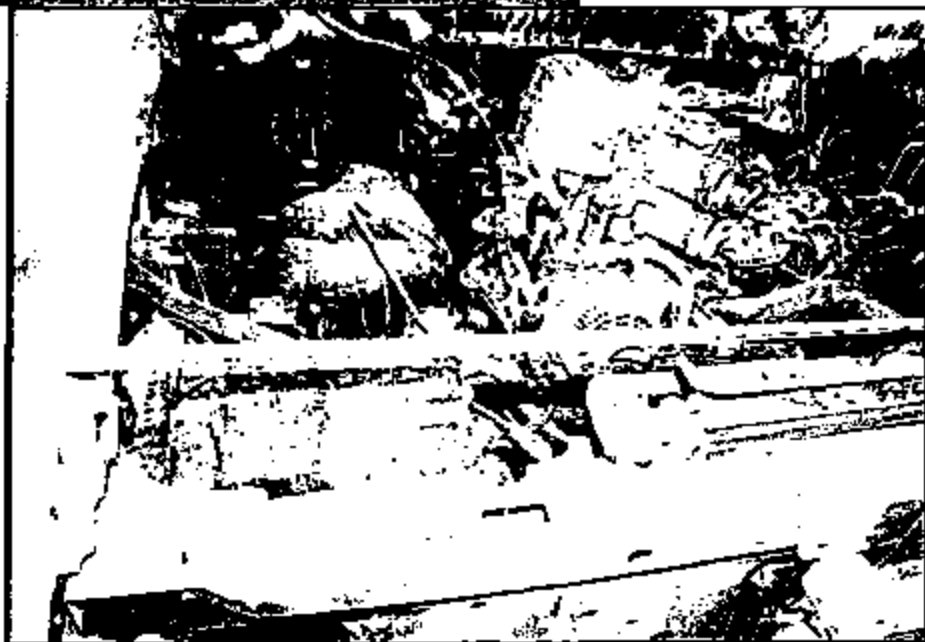
Photograph # 11 – Nokia power boost module found in interior of vehicle.



Photograph # 12 – Checking fuses found intact attached to Nokia module.



Photograph # 13 - Another view of fire patterns on hood of vehicle distinct to engine compartment.



Photograph # 14 - Right side view of engine compartment. Note the elastomeric hoses, aluminum alternator frame and battery still intact on this side of vehicle.



Photograph # 15 – Left side view of engine compartment. Approximately mid-section of photograph is the location of the power distribution box.



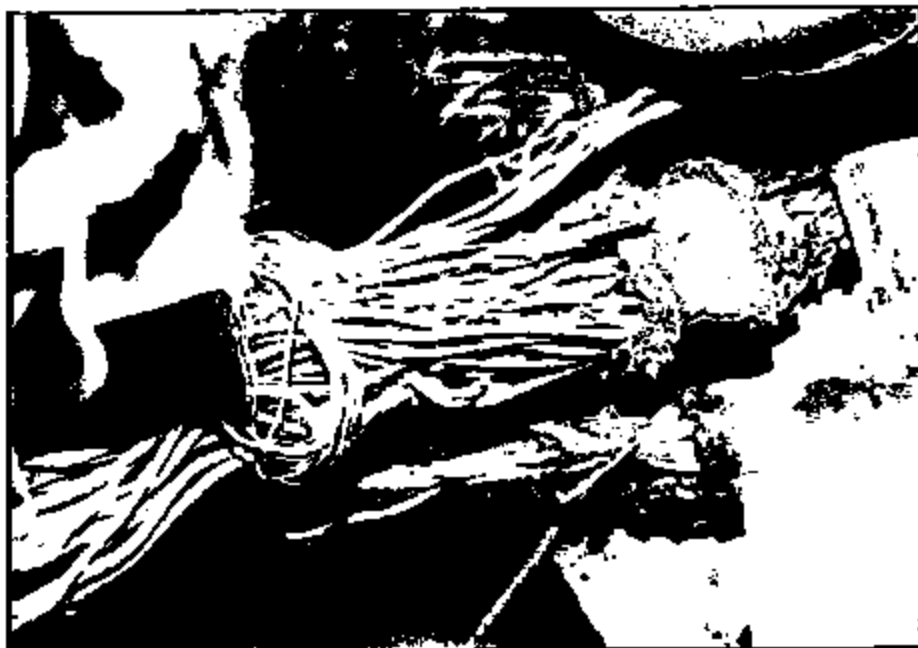
Photograph # 16 – Electric arc beading found on terminal connectors associated with power distribution box.



Photograph # 17 - Another view of remains of power distribution box and wiring.



Photograph # 18 - Wiring found adhered to hinge of hood



Photograph # 19 - Examination of wiring found non-remarkable next to the bulkhead entry port on wiring harness.

0001

1 UNITED STATES DISTRICT COURT  
2 WESTERN DISTRICT OF LOUISIANA  
3 MONROE DIVISION  
4 [REDACTED] ) CIVIL ACTION NO. CV03-0762 M  
5 )  
6 Plaintiff, )  
7 VS. ) JUDGE JAMES  
8 FORD MOTOR COMPANY, )  
9 ET AL, )  
10 Defendants. ) MAGISTRATE JUDGE KIRK

11 \*\*\*\*\*

12 ORAL DEPOSITION OF

13 VERNON WADE, P.E.

14 DECEMBER 8, 2004

15 \*\*\*\*\*

16 ORAL DEPOSITION OF VERNON WADE, P.E., produced  
17 as a witness at the instance of the Defendant, and  
18 duly sworn, was taken in the above-styled and  
19 numbered cause on the 8th day of December, 2004, at  
20 11:50 a.m. to 2:26 p.m., before Laurie Purdy, CSR, in  
21 and for the State of Texas, reported by machine  
22 shorthand, at the offices of MetLife Auto & Home,  
23 6303 Commerce Drive, Suite 500, in the City of  
24 Irving, County of Dallas, State of Texas, in  
25 accordance with the Federal Rules of Civil Procedure.

0002

1 A P P E A R A N C E S

2 FOR THE PLAINTIFF:

3 [REDACTED]  
4 New Orleans, Louisiana [REDACTED]

5  
6 FOR THE DEFENDANT ALCOA FUJIKURA, LTD.:  
7 MR. WILLIAM J. WYRICK

8 LeBoeuf, Lamb, Greene & Macrae, L.L.P.  
9 One Gateway Center, Suite 1600  
10 420 Fort Duquesne Boulevard  
11 Pittsburgh, Pennsylvania 15222  
12 412.594.2300

FOR THE DEFENDANT FORD MOTOR COMPANY:

11 MR. JAMES SWINNEY  
12 McGlinchey Stafford, P.L.L.C.  
643 Magazine Street



New Orleans, Louisiana 70130-3477  
504.586.1200

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16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
0003

I N D E X

	PAGE
Appearances . . . . .	2
Stipulations . . . . .	1
VERNON WADE, P.E.	
Examination by Mr. Wyrick . . . . .	4
Examination by Mr. Swinnen . . . . .	98
Further Examination by Mr. Wyrick . . . . .	106
Signature and Changes . . . . .	110
Reporter's Certificate . . . . .	112

11  
12

EXHIBITS

NO.	DESCRIPTION	PAGE
1	Notebook Binder Provided by Mr. Wade	89

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

0004

P R O C E E D I N G S

VERNON WADE, P.E.,  
having been first duly sworn, testified as follows:  
EXAMINATION  
BY MR. WYRICK:  
Q. Mr. Wade, my name is Bill Wyrick, and I'm  
an attorney representing [REDACTED] Ltd. in  
connection with the lawsuit that was filed by MetLife  
to recover for a fire that happened on March 13th,  
2002. We noticed your deposition today because  
you've been identified as a potential expert who will

12 testify on behalf of MetLife at the trial of this  
13 case. Do you understand that?

14 A. Yes.

15 Q. Before we get into the substance of the  
16 deposition, have you ever been deposed before?

17 A. Yes. I brought a list of -- well, it's not  
18 an entire list. It's only four years back, but  
19 testimony in trial and deposition.

20 Q. I glanced through your file briefly. Is it  
21 correct that you've brought your entire file with  
22 regard to the investigation of this case with you  
23 today?

24 A. Correct.

25 Q. And it's contained in a white binder that

0005

1 you've brought with you?

2 A. Yes, with proviso the information that was  
3 sent to me on your -- that you furnished about the  
4 circuits and the testing that had been done on the  
5 wiring harness. I didn't bring that. It was a big  
6 box of information.

7 Q. You're talking about materials that were  
8 produced by [REDACTED] Ltd.?

9 A. Correct.

10 Q. And those were materials that were  
11 received --

12 A. About a week ago, something like that.

13 Q. Okay. In addition to the white binder that  
14 you brought with you today, I see you also have some  
15 picture developing in envelopes. And you've provided  
16 us with copies of all the pictures that are in there  
17 as well?

18 A. Yes, sir.

19 Q. If I can, let's talk about your prior  
20 involvement in cases. About how many cases have you  
21 listed there for the past four years?

22 A. Approximately 33. Now, that's not all of  
23 the investigation I've done because some don't  
24 involve deposition or trial. Sometimes you just go  
25 out and do a report and that's it.

0006

1 Q. So the cases that you've brought that are  
2 on this list in your binder are simply cases where  
3 you've testified either at trial or at deposition or  
4 both?

5 A. To the best of my recollection, yes.

6 Q. And what was the number again?

7 A. About 33, I believe, approximately.

8 Q. Of the 33 cases that you provided testimony  
9 either by deposition or at trial or at both, how many  
10 of those involved -- if any, involved motor vehicle  
11 fires?

12 A. Let's see. One that's directly involved.  
13 Some of the others I've looked at and eliminated,  
14 say, a vehicle that may have been involved in a  
15 garage or something like that that's near the area of  
16 origin.

17 Q. Let me make sure I understand your answer.  
18 Only one of this set that we're talking about  
19 involved a case where you determined that a motor  
20 vehicle caused a fire?

21 A. Yes.

22 Q. But there may be some others that involve  
23 fires where you ruled out a vehicle as a cause?

24 A. Correct.

25 Q. How many of those latter type are there?

0007

1 I'm going to want you to identify those as well.

2 A. One of the cases was in Killeen, Texas,  
3 Killeen Boat & Motors. I think there was a vehicle  
4 in the plant that we had to look at.

5 Q. I'm sorry. What was the name of the case?

6 A. Killeen Boat & Motors versus Donald  
7 Gautier. I think that's the only other one that's  
8 listed I've actually testified on. Of course, I've  
9 looked at a number in the past that didn't involve  
10 the testimony of it.

11 Q. Okay. In the same time frame in the past  
12 four years where you've testified 13 times or so, how  
13 many fires do you think you've investigated  
14 personally?

15 A. Oh, gosh, I know I've looked at over -- in  
16 my career over 500 now. In the time frame of four  
17 years, I don't know that I can estimate that. It  
18 depends. Sometimes you'll get four or five a week in  
19 some cases, and then other times you don't get any.  
20 And in some cases you might get information in like  
21 on a defense case where you don't actually go to the  
22 fire scene. They send you the information and you  
23 look at it involving a fire. I just can't give you a  
24 number offhand. I mean, I'm sure it's over 50, maybe  
25 over that. I can't say.

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1 Q. Do you recall there being any within, say,  
2 that 50 or more that involved fires where you were  
3 able to eliminate a motor vehicle as a cause of the  
4 fire as a part of your investigation?

5 A. I'm sure there were. I don't recall one  
6 right offhand. I mean, I've got some that are  
7 ongoing that possibly involve a motor vehicle.

8 Q. You've provided us with a copy of your CV  
9 with your file as well; is that right?

10 A. Right.

11 Q. Are you currently the president of Leed  
12 Corporation?

13 A. Yes.

14 Q. How long have you been the president of  
15 Leed Corporation?

16 A. Oh, since 1995.

17 Q. Are you an owner of that company?

18 A. I am the principal.

19 Q. What is the business of Leed Corporation?

20 A. We're a consulting forensic firm.

21 Q. In what areas?

22 A. If you're regarding electrical engineering,  
23 mechanical engineering, civil engineering, some of  
24 those type of areas that involve investigation or  
25 inspection of, say, anything from amusement rides

0009

1 that don't involve an accident, just inspection, to  
2 compliance with electric code, to compliance with  
3 possible mechanical codes.

4 In the civil end, of course, there has  
5 been -- we've looked at things like foundations, wind  
6 damage, those type of issues that might be involved  
7 in a structure.

8 Q. How many people does your company employ?

9 A. Right now, I am the only engineer. I  
10 had -- my civil engineer, David, he's got congestive  
11 heart failure. And, of course, this happened within  
12 the last few months, and he's on permanent leave.

13 Q. Does your firm employ anybody other than  
14 engineers?

15 A. Oh, yeah. I have a part-time lab  
16 technician. We have staff in the office, accountant,  
17 secretary.

18 Q. Other than yourself, is there anybody else  
19 who goes out into the field and does investigations  
20 or performs the consulting and forensic work that you  
21 have described?

22 A. No.

23 Q. Prior to 1995, what was your employment  
24 position?

25 A. I worked with a company called SEAL

0010

1 Corporation, and essentially did some of the same  
2 things, although not all. That was from 1990 to  
3 1995.

4 Q. Did your work at SEAL Corporation include  
5 fire investigations?

6 A. Yes.

7 Q. Where did you work before SEAL Corporation?

8 A. General Dynamics on their radar systems.

9 Q. For what period of time did you work for  
10 General Dynamics?

11 A. Approximately two and a half years.

12 Q. You said on radar systems?

13 A. Yes.

14 Q. And how about before General Dynamics?

15 A. Prior to that, I went back to school to  
16 obtain the electrical engineering degree.

17 Q. When did you obtain your E.E.?

18 A. University of Texas at Austin.

19 Q. When?

20 A. Oh, sorry. 1988.

21 Q. Did you have any college degree prior to  
22 1988?

23 A. Yes. I had two other degrees. I've got a  
24 degree in mechanical engineering, and also have a  
25 degree in mathematics which I don't show on the

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1 resume, but I have that also.  
2 Q. When did you get your mechanical  
3 engineering degree?  
4 A. 1976.  
5 Q. From what school?  
6 A. University of Houston.  
7 Q. And your mathematics degree?  
8 A. The same place. And I think in 1974.  
9 Q. Between 1976 and 1988, did you do any work  
10 that involved fire or cause and origin  
11 investigation? In other words, from the time that  
12 you obtained your mechanical engineering degree  
13 until --  
14 A. Yes. Right. Well, design of fire stop  
15 equipment. When I was at Axelson, I designed a line  
16 of equipment that was used in refinery for fire stop  
17 purposes, to shut off flammable fluids under a fire  
18 condition. I did a number of testing in that area, a  
19 number of years of testing.  
20 Q. So just to be clear, though, did you  
21 perform any cause and origin investigation work  
22 between 1976 and 1988?  
23 A. Not as a certified fire investigator. As  
24 a -- I don't know if I mentioned to you, but I am  
25 also a certified fire investigator, but not under  
0012

1 that title.  
2 Q. Now, when you say "not as a certified fire  
3 investigator," does that mean you were out there  
4 doing it as a hobby anyway? What do you mean by  
5 that?  
6 A. Not as a hobby. A lot of times we would  
7 get input from the refinery. We might have to go out  
8 and see a refinery -- a portion that caught fire or  
9 something of that nature that, you know, you would  
10 pick up certain items about fire investigation from  
11 that and the amount of damage that can incur from a  
12 refinery fire. But not as an investigator where I  
13 actually went out and did the investigation by  
14 myself.

15 Now, I should mention that both the  
16 mechanical and electrical engineering fields do  
17 incorporate a lot of the investigation principles of  
18 fire investigation both from the standpoint of what  
19 ignition sources can be and failure modes, so --

20 Q. Did you take any specific courses during  
21 the process of obtaining your mechanical engineering  
22 degree with respect to fire investigation or cause  
23 and origin investigation?

24 A. Not -- not a title of a course to that  
25 effect. As I said, a lot of the courses dealt with a  
0013

1 lot of the factors involved in fire investigation,  
2 failure mode, the type of ignition sources, those  
3 type of things.

4 Q. Okay. During the time from 1976 to 1988,  
5 did you take any courses in cause and origin or fire

6 investigation?

7 A. I just answered the question.

8 Q. No. I'd asked you if when you were

9 obtaining your degree that you got in '76, whether

10 you had any such courses. Now I'm talking about the

11 time between '76 and when you went back to school at

12 U.T. to get your E.E.

13 A. Right. When I was employed at that point

14 as a manager of engineering, let's say.

15 Q. Right.

16 A. Not -- not totally focused on fire

17 investigation. I did take a course, I think, in OSHA

18 regulations which dealt with egress, evacuation

19 during a fire and some of the problems with ignition

20 sources that can possibly cause a fire, flammable

21 fluids, hazardous locations, things of that nature.

22 Q. Do you recall when you took that course?

23 A. Oh, gosh, that's been many, many years

24 ago. It's in that period, but I can't recall

25 exactly.

0014

1 Q. With respect to your electrical engineering

2 degree, just to make sure that we've covered it, did

3 you take any courses in the process of obtaining that

4 particular degree that were specifically focused on

5 fire investigation and cause and origin

6 investigation?

7 A. Again, there were no titles of courses that

8 said fire investigation, but many of the failure

9 modes that are incorporated in fire investigation

10 were in those courses, i.e., electrical shorting,

11 resistance heating, some of these issues,

12 understanding whether a circuit failed as a result of

13 a fire or possibly due to the fire.

14 Q. Are you familiar with the National Fire

15 Protection Code?

16 A. Yes.

17 Q. Did any of the courses that you took in the

18 course of obtaining your electrical engineering

19 degree focus on the National Fire Protection Code?

20 A. Only from the standpoint of the NEC. You

21 have -- NEC is a subset of the National Fire

22 Protection Code from, I guess, the standpoint of

23 promulgation. And we had courses that dealt with

24 pyre distribution in compliance with NEC code.

25 Q. Would your answer be the same with respect

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1 to your mechanical engineering degree? No specific

2 courses on the National Fire Protection Code, but

3 areas that touched on something that might relate to

4 it?

5 A. There were no courses titled that

6 specifically.

7 Q. Okay. During the course of your employment

8 at General Dynamics working on radar systems, did you

9 receive any training in the investigation of fires or

10 cause and origin investigation?

11 A. Some on the cause and origin. We had to  
12 incorporate fire suppression systems in the radar  
13 systems that we built and had to actually test  
14 those. Most of those were Halon systems that we  
15 used. But in the course of that design and testing,  
16 we had to understand how fires spread and some of the  
17 issues involved in that.

18 Q. Would you just -- would you be called out  
19 to locations where radar systems had caught on fire  
20 and be asked to determine what caused the fire and  
21 how best to suppress them?

22 A. Not -- usually they delivered them back to  
23 us because of a problem, not because they wanted us  
24 to investigate it. Most of those systems that we  
25 incorporated were portable, so they could be

0016

1 delivered back to us, and that's how we normally  
2 received them if that occurred.

3 Q. So in the process of designing radar  
4 systems, you would be asked to look at radar systems  
5 that had caught on fire and figure out what happened  
6 to them and how they caught on fire and how to  
7 prevent it from happening again?

8 A. Usually, yes. Usually a pretty minor  
9 electrical short or something like that occurred in  
10 the wiring that we could easily isolate. The Halon  
11 system usually took care of most of the issues of  
12 flammability.

13 Q. So your investigations in regard to fire  
14 cause and origin at General Dynamics were mainly  
15 materials that were sent to you to take a look at?  
16 You didn't go out to scenes where fires had occurred  
17 to --

18 A. No, they didn't -- some of the stuff was  
19 top secret. Because of whatever restrictions, we  
20 were not able to go out there.

21 Q. What was the business of SEAL Corp. where  
22 you worked from 1990 to '95?

23 A. I believe they're mainly a forensic  
24 engineering group.

25 Q. Where are they located?

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1 A. In Tyler.

2 Q. Did you hold more than one, say, title or  
3 position at SEAL Corp. during your time there?

4 A. No. I guess generally my title would be  
5 called a project engineer, is what they would term  
6 it.

7 Q. When you first hired on with SEAL Corp.,  
8 what were your duties?

9 A. Well, one of which was fire investigation,  
10 some testing of materials of product, also accident  
11 reconstruction.

12 Q. When you say "accident reconstruction,"  
13 you're talking about car crashes?

14 A. Mainly commercial vehicle, but car crash,  
15 vehicle crash.

16 Q. At the time that you were hired by SEAL  
17 Corp., had you ever received any formal training in  
18 cause and origin or fire investigation other than  
19 what you've already described as the stuff that was  
20 incidental to you obtaining your degrees?  
21 A. Yes. There was a certified instructor that  
22 they had on board that gave on-the-job training, if  
23 you will. I later attended a certification course to  
24 obtain my own certification.  
25 Q. Do you recall the name of the instructor at

0018

1 SEAL that you received your training from?  
2 A. [REDACTED]  
3 Q. Can you spell his last name?  
4 A. [REDACTED] I think.  
5 Q. And you said he was a certified  
6 instructor. Certified by whom?  
7 A. I understand he is. He was. I don't know  
8 about present, as far as today, but he was at the  
9 time.  
10 Q. Do you know who he was certified by or by  
11 what organization?  
12 A. I believe by the same one I obtained my  
13 certification, which was National Association of Fire  
14 Investigators.  
15 Q. When did you receive your certification  
16 from the National Association of Fire Investigators?  
17 A. In 1992.  
18 Q. What did you have to do to obtain the  
19 certification from the NAFI?  
20 A. It was a two-week-long course. We had to  
21 take an exam at the end. During the process of the  
22 course, they actually burnt three houses and assigned  
23 each of us to do the fire investigation as part of  
24 the course, turn in a report as to what we found as  
25 cause of fire, the origin.

0019

1 Q. Between the time when you hired on at SEAL  
2 and received your training from [REDACTED] and the  
3 time that you went through the certification training  
4 by NAFI, did you attend any other courses at any  
5 university or any seminar at all on the issues of  
6 cause and origin investigation or fire investigation?  
7 A. Not that I recall. There's some -- as I  
8 said before, the OSHA course that relates to  
9 electrical hazards and ignition sources caused by  
10 electrical hazards, but not a specific fire  
11 investigation course.  
12 Q. Okay. And that particular course, the OSHA  
13 course, was something that you took back in the '70s;  
14 is that right?  
15 A. No, 1991.  
16 Q. Oh, '91?  
17 A. It was sort of a refresher course.  
18 Actually, I obtained an instructor certification from  
19 it.  
20 Q. From the OSHA course?



21 A. Correct.  
22 Q. Other than your certification by the NAFI,  
23 do you belong to any other national organizations  
24 such as the International Association of Arson  
25 Investigators or anything like that?

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1 A. No, but, of course, I've taken a number of  
2 continuing educations from, say, Public Agency  
3 Training Council, organizations such as that.

4 Q. Do you perform cause and origin  
5 investigations or fire investigations in Texas?

6 A. Yes.

7 Q. Do you have to have a license to do that in  
8 Texas?

9 A. I have a P.E. license. I'm registered in a  
10 number of states.

11 Q. P.E. meaning professional engineer?

12 A. Professional engineer.

13 Q. Do you have to have a license to act as a  
14 cause and origin investigator specifically in any  
15 state that you're not aware of?

16 A. If you're not registered as an engineer,  
17 then you've got a problem. Now, if it gets into  
18 where you're doing private investigation type of  
19 investigation, then I have to hire somebody to do  
20 that.

21 Q. Can you tell me what courses in cause and  
22 origin or fire investigation you have taken between  
23 1992 and today?

24 A. Yes. Okay. I have -- which is related,  
25 the Grounding/Bonding of Electrical Systems. I also

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1 took an OSHA Compliance Seminar, update seminar  
2 regarding the hazards we discussed before, NFPA Fire  
3 Department Operations, Fire Pattern Certification and  
4 Vehicle Fire Investigation.

5 Q. You were reading those off of your CV,  
6 correct?

7 A. Correct.

8 Q. Do you have years next to those when those  
9 courses were taken?

10 A. Yes.

11 Q. I'm sorry. I didn't ask that the first  
12 time.

13 A. The OSHA Compliance was 1998. The  
14 Grounding/Bonding Seminar was 2000, NFPA Fire  
15 Department Operations was 2002, Fire Pattern  
16 Certification was 2003, Vehicle Fire Investigation  
17 was 2004.

18 Q. The NFPA Fire Department course, what was  
19 that course about exactly? Do you remember what the  
20 substance was?

21 A. Yes. It covered mainly response and what a  
22 fire department should do as far as hookup originally  
23 on arriving at a fire scene. It also covered some of  
24 the aspects of interviewing firemen, you know, after  
25 a fire scene or something of that nature. And then

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1 they did also cover some of the changes in the NEC  
2 code that had occurred in the prior year.

3 Q. The Fire Pattern Certification in 2003, can  
4 you tell me what that course was about? With a  
5 little more detail than the title, I mean.

6 A. Yeah. This course was sort of a review of  
7 the initial fire investigation, CFI certification  
8 that I hold. And basically that involved in looking  
9 at different fire patterns in both residences,  
10 commercial buildings and vehicles related to  
11 determining cause and origin.

12 Q. The Vehicle Fire Investigation course in  
13 2004, can you tell me in a little bit more detail  
14 what that was about?

15 A. More focused on the vehicle aspect as far  
16 as patterns on vehicle -- fire patterns on vehicle to  
17 determine origin within the vehicle. Also different  
18 modes of failure. It was kind of a review again of  
19 the CFI Certification that I obtained, but in a more  
20 detailed manner as far as points of failure whether  
21 the mechanical or electrical. It dealt with the  
22 number of different sources of information that can  
23 be obtained through, say, the Internet or by mail  
24 regarding vehicle fires.

25 Q. Who offered that course?

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1 A. Public Agency Training Council.

2 Q. Well, not to sound uneducated, but what is  
3 the Public Agency Training Council?

4 A. They deal on a number of subjects. They  
5 teach courses both for fire departments, private  
6 investigators, investigators, on a number of range of  
7 subjects branching from criminal courses to fire  
8 investigation to causes of fire of electrical  
9 appliance, things of this nature. They cover a  
10 pretty wide gamut.

11 Q. How many hours was that course?

12 A. That was three days, I believe. So that  
13 would be about 24 hours.

14 Q. The Fire Pattern Certification course in  
15 2003, who was that offered by?

16 A. The same organization, Public Agency  
17 Training Council.

18 Q. How long was that course?

19 A. Three days, I believe. Three or four.

20 Q. Have we now covered all of the, I'll call  
21 it, formal training or course work that you've had in  
22 cause and origin and fire investigation?

23 A. Yes. I suppose I should mention that some  
24 of the amusement ride course I've had dealt with  
25 compliance with codes, fire codes, things of that

0024

1 nature. And that's related to the fire  
2 investigation.

3 Q. Okay. But none of the courses that you  
4 would have taken in connection with amusement park

5 rides were titled something like, for instance,  
6 vehicle fire investigation or fire pattern analysis?  
7 A. It would be part of the courses.  
8 Q. Have you ever taken any courses that, for  
9 lack of a better way to describe it, would be sort of  
10 a general course on the requirements of NFPA 902?  
11 A. No. Are you talking about -- what is the  
12 title of NFPA 902?  
13 Q. As I understand it, it generally relates to  
14 the appropriate methods or recommended methods for  
15 cause and origin investigation.  
16 A. You've got the wrong number. It's 921.  
17 Q. I'm sorry. 921. My mistake.  
18 A. Yes, I have.  
19 Q. When did you take those courses?  
20 A. That was involved in the Fire Pattern  
21 Certification. They covered that as part of that. I  
22 believe the code had changed that year again, the  
23 921, and they had come out with a revised version of  
24 it.

25 Q. So prior to 2003, had you had any sort of  
0025

1 overview courses on NFPA 921?  
2 A. I believe the Fire Department Operations  
3 covered it cursorily. They mentioned it in a couple  
4 of sections, but not to a great degree.  
5 Q. Do you recognize NFPA 921 in your work as  
6 an investigator as setting forth some standards or  
7 guidelines by which you should conduct cause and  
8 origin or fire investigations, generally?  
9 A. Generally guidelines. Of course I have  
10 some disagreements with certain sections of the  
11 guidelines.  
12 Q. Can you tell me what sections you disagree  
13 with?  
14 A. Well, the ones that come to mind, one of  
15 which discusses electrical failures. They mention  
16 arcing through char, but they never mention a direct  
17 arc as a possible cause of a fire. And I thought  
18 that was something that needs to be revised in their  
19 text.

20 The other thing is like under the  
21 vehicle fire investigation, there's a statement in  
22 there that you should verify the cause of a fire by  
23 obtaining a NHTSA recall or some other document. But  
24 a lot of times when you're investigating fires, these  
25 recall notices don't come to effect until after a

0026  
1 number of fires have occurred, so how can you use  
2 that as a supporting document if it doesn't exist at  
3 the time you do your fire investigation. Things of  
4 that type of nature that I object to.

5 Q. Does NFPA 921 have any provisions that  
6 you're aware of regarding preservation of the fire  
7 scene, preservation of evidence?

8 A. They have -- yes. And also regarding if  
9 you think something has caused a fire, to preserve

10 it. I mean, there's a natural course of elimination  
11 of things outside the area of origin that you don't  
12 have to preserve because it's not in the area of  
13 origin of fire. If you suspect that, then you should  
14 take the effort to obtain those things and preserve  
15 them.

16 Q. Do you have any disagreement with any of  
17 the provisions of NFPA 921 with respect to the  
18 preservation of evidence?

19 A. Again, looking at it offhand, I don't have  
20 any, you know, as a general guideline, but there may  
21 be something that's specific to a case that I -- you  
22 know, that I have an objection to. Again, they're  
23 general guidelines and they're under interpretation  
24 of the fire investigator at the scene.

25 Q. Do you know whether NFPA 921 has any

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1 provisions with respect to notifying potential  
2 responsible parties to allow them to conduct a fire  
3 scene investigation?

4 A. There is some mention of that if you know  
5 who the responsible party is and you know that  
6 they're going to be involved in the investigation.

7 Q. Generally speaking, when you're conducting  
8 an investigation -- sorry. Strike that.

9 Have you conducted in the course of  
10 your, say, the past -- since 1990 actual field cause  
11 and origin investigations where you're asked to go to  
12 a fire scene and investigate whether or not something  
13 caused a fire, determine an area of origin -- the  
14 point of origin cause of the fire?

15 A. Correct.

16 Q. And do you think it's important as an  
17 investigator yourself to have access to an  
18 undisturbed fire scene or as undisturbed a fire scene  
19 as you can get for purposes of your investigation?

20 A. Not necessarily, no.

21 Q. You don't think it's important to have an  
22 undisturbed fire scene?

23 A. No. Many times documentation is adequate,  
24 photographs. I deal with cases that are two years  
25 old where I get just photographs of the fire scene

0028

1 and documentation and it's adequate.

2 Q. Is there any situation in which you would  
3 prefer to perform your investigation by a photograph  
4 as opposed to getting to observe the scene firsthand?

5 A. I mean, as far as it goes, I mean, the  
6 photograph can be adequate. As I said before, I  
7 don't know that I'd prefer one or the other.  
8 Sometimes you don't have any choice. The photographs  
9 are sent to you and that's what you receive and  
10 they're adequate.

11 Q. Understood. What I'm asking you is --  
12 well, let me put it this way: Have you ever been  
13 asked to investigate a fire where you've received  
14 photographs and you found yourself wishing you had

15 been able to see the scene itself?  
16 A. Not that I can recall. Now, I've seen  
17 people make assertions where they actually went to  
18 the fire scene and said something caused a fire and  
19 then didn't go to the effort of proving it, just made  
20 the assertion, didn't take a photograph, didn't take  
21 any care to ask for that particular item that they  
22 thought caused the fire. I've seen that happen. But  
23 they actually got to go to the fire scene, in some  
24 instances.

25 Q. Do you recall when you were first contacted  
0029

1 with respect to the March 13, 2002, fire at the  
2 Barrow residence?

3 A. April 26, 2002.

4 Q. I see you're referring to a document in  
5 your binder, is that correct?

6 A. Yes, sir.

7 Q. What's the title on that document for our  
8 reference?

9 A. Project Initiation Sheet.

10 Q. And is that behind a particular tab in your  
11 binder?

12 A. Number 2. That's Contract, is under the  
13 divider.

14 Q. Who contacted you?

15 A. Initially Mr. Mark Hagan contacted me.

16 Q. Is he an employee of MetLife?

17 A. I believe so, yes.

18 Q. Do you recall, did he contact you by phone,  
19 by letter, by e-mail?

20 A. By phone.

21 Q. Can you tell us what you recall of that  
22 conversation, if anything?

23 A. Not very much. I think there was maybe a  
24 mention of inspection, but I can't recall when  
25 Mr. Green contacted me as far as arranging that

0030  
1 inspection. I really don't recall much of anything  
2 on the initial conversation.

3 Q. Let me make sure I understand, then. You  
4 mentioned Mr. Green. Before you investigated this  
5 fire, had you already been in contact with Mr. Green  
6 as well as Mr. Hagan?

7 A. Not before I -- well, I don't know. I  
8 can't really say. I don't know the time period there  
9 that I was contacted by Mr. Green's firm.

10 Q. Okay. That's what I was trying to  
11 ascertain.

12 Now, the document that you have right  
13 in front of you, is that some sort of an intake form?

14 A. Intake form?

15 Q. Received a call from a client about a  
16 potential case where you record information given to  
17 you.

18 A. Yes. It's the Project Initiation Sheet, as  
19 I said.

20 Q. What other information is on there? Do you  
21 have date of loss?

22 A. Date of loss, claim number. I think the  
23 insured's name and a location where the fire  
24 occurred.

25 Q. So you were informed at the time that you

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1 were filling this out of the date of loss as 3-13-02?

2 A. Yes.

3 Q. Did you have any discussion with Mr. Hagan  
4 at that time about wanting or needing to see the  
5 evidence in a prompt or a quick fashion?

6 A. No, I didn't. I think there was an  
7 inspection scheduled, a coinspection with Ford, is  
8 what I believe.

9 Q. Did you make any inquiry as to the state of  
10 the fire scene at the time you first spoke with  
11 Mr. Hagan?

12 A. Well, Bob Dennis had done the cause and  
13 origin. I did not do the cause and origin as far as  
14 the structure was concerned. Although, after reading  
15 the depositions and seeing some of the photographs of  
16 the fire scene, I would concur with Mr. Dennis'  
17 opinion, and also the damage to the vehicle. It's  
18 fairly obvious.

19 Q. So just to be clear, did you ever actually  
20 visit the fire scene itself?

21 A. No.

22 Q. At the time that you spoke with Mr. Hagan,  
23 was he making a request that you inspect the vehicle?

24 A. Yes, I believe so, the joint inspection  
25 with Ford.

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1 Q. Did he tell you where the vehicle was at  
2 that point?

3 A. Yes. It was in Monroe at a salvage yard.  
4 I mentioned that in my report, of course. It's in  
5 here (indicating).

6 Q. And we'll go through your report in a  
7 little bit.

8 Do you have a record of when your  
9 first inspection of the vehicle took place?

10 A. July 2nd of 2002, I believe.

11 Q. So a little over two months after your  
12 initial contact from Mr. Hagan?

13 A. Yes, I believe so.

14 Q. Do you recall whether you had been  
15 contacted by -- or in contact in any way with  
16 Mr. Green's office between your first contact with  
17 Mr. Hagan and the date of your inspection?

18 A. That I can't say. I can't remember now.  
19 It's been so long ago.

20 Q. Between the date of that first contact and  
21 the date of your inspection, were you forwarded any  
22 investigation materials by Mr. Hagan, whether  
23 information provided by Bob Dennis or photographs or  
24 anything like that?

25 A. No, I don't think so. I may have called  
0033

1 Mr. Dennis to get initial input as far as the origin  
2 of the fire, but I don't think that he sent me  
3 anything; Mr. Hagan did.

4 Q. What was the reason you would have called  
5 Bob Dennis before your inspection?

6 A. Just to get an idea of the origin of the  
7 fire that he had ascertained during his  
8 investigation.

9 Q. Now, as I understand, Mr. Dennis' opinion  
10 testimony in the content of his report, he concluded  
11 that the fire started at the power distribution box  
12 in the engine compartment of the Ford Bronco that's  
13 involved in this case. Do you have that same  
14 understanding?

15 A. In that area, yes.

16 Q. And is that what he explained to you when  
17 you spoke with him on the phone before your  
18 investigation?

19 A. I don't know that he -- well, I think he  
20 had -- I can't recall exactly the conversation, but  
21 he may have said something about finding some fused  
22 wires in that vicinity, something of that nature.

23 Q. So as you were about to proceed with your  
24 investigation, your examination of the vehicle, you  
25 were aware that Mr. Dennis was placing the origin of  
0034

1 the fire at or near the power distribution box in the  
2 vehicle, correct?

3 A. Yes, as far as the vehicle being the cause  
4 of the fire, yes.

5 Q. When you inspected the vehicle on July 2nd  
6 of '02, do you recall who was present?

7 A. Mr. Lou Malnar, I believe with Ford, as I  
8 recall.

9 Q. Was anybody else present besides yourself  
10 and Mr. Malnar?

11 A. No.

12 Q. No attorneys were present?

13 A. I don't think so, no.

14 Q. Did Mr. Malnar make any representations to  
15 you as to his field of expertise or the reason why he  
16 was present for the inspection?

17 A. He's a fire investigator. I assume that's  
18 what he was sent there to do, was to do a joint  
19 inspection with me. I don't know that he said,  
20 quote/unquote, I'm a fire investigator, but I assumed  
21 that's what he was.

22 Q. Well, that's what I was asking, if he had  
23 made any representations to that effect to you.

24 A. I don't recall.

25 Q. Now, you supplied us with -- Attorney Green  
0035

1 has supplied us with a copy of your report with some  
2 photographs attached.

3 A. Correct.

4 Q. Is there a copy of the report in your  
5 folder as well?  
6 A. Yes. It should be the same.  
7 Q. And that report is dated November 22, 2004;  
8 is that correct?  
9 A. Yes.  
10 Q. Do you recall when you were first asked to  
11 prepare this report?  
12 A. Sometime prior to the report. I can't tell  
13 you. I mean, exactly, I don't recall.  
14 Q. Was it within, say, a month of preparing  
15 the report?  
16 A. It could be.  
17 Q. So to ballpark it, sometime in the fall  
18 of '04; would that be fair?  
19 A. I can't remember, to tell the truth. I'm  
20 sorry. But it's in the --  
21 Q. Well, it wasn't in 2002, was it?  
22 A. No. No, definitely not.  
23 Q. Now, attached to your report are a number  
24 of photographs, and I believe they're numbered 1  
25 through 18; is that correct?  
0036  
1 A. Yes.  
2 Q. And you've provided us with some additional  
3 photographs today. And just off the top of my head,  
4 I'd say it appears as though there are more than 18  
5 photographs.  
6 A. Yes.  
7 Q. Would it be fair to say -- well, let me ask  
8 it this way: Are the photographs that are numbered 1  
9 through 18 in your report included in the set that  
10 you provided us today?  
11 A. Yes, I think so. I didn't go through and  
12 actually, you know, check each one to see that the  
13 numbering -- if you'll let me see one of the  
14 photographs, maybe I can determine it pretty easily  
15 just by looking at the photograph.  
16 Q. Sure.  
17 A. The photographs in the report are in  
18 addition to the ones that we have here that I've  
19 given you.  
20 Q. Okay.  
21 A. But they are on the CD that was furnished.  
22 Q. Were all the photographs taken on the same  
23 day?  
24 A. Yes.  
25 Q. By you?  
0037  
1 A. Yes.  
2 Q. Now, having taken a look at your report --  
3 strike that.  
4 Between the date of your inspection on  
5 July 2 of '02 and the date of preparation of your  
6 report on November 22nd, 2004, or at least the  
7 completion of your report on November 22nd, 2004, did  
8 you communicate to anyone your conclusions or



9 opinions regarding the cause and origin of this fire?  
10 A. I don't believe so. Now, I may have said I  
11 suspect this or I'm checking this. But generally  
12 I'll wait until I do the actual report to finalize my  
13 opinion because of input of new information, those  
14 type of things, maybe depositions or something that  
15 occur along the way.

16 Q. After July 2 of '02, did you have any  
17 communications with Mr. Hagan about any preliminary  
18 findings you may have reached?

19 A. I don't recall. At some point, I was  
20 talking to Mr. Green's firm, and I don't recall if I  
21 did or not with Mr. Hagan, if I said, well, I suspect  
22 this or something to that nature as far as cause of  
23 the fire.

24 Q. When you say you were having some  
25 discussions or conversations with Mr. Green's firm,

0038  
1 do you have a time frame in mind when you think that  
2 would have occurred?

3 A. As I said before, I don't recall exactly  
4 when I was initially contacted. You probably could  
5 ask his firm. It would be more accurate.

6 Q. Do you have any written records whatsoever  
7 that would assist you in determining when you had  
8 these discussions with Mr. Green's firm?

9 A. No, I don't, other than, you know, there  
10 was some correspondence that was sent at some point  
11 to his firm about the CD, I think, but that's about  
12 it.

13 Q. Would you have any records whatsoever that  
14 would help you determine whether or not you  
15 communicated even preliminary findings to Mr. Hagan  
16 or anybody at MetLife?

17 A. No. I don't keep a phone log or anything  
18 like that.

19 Q. Did you ever invoice MetLife for your work?

20 A. Yes.

21 Q. Do you have that here?

22 A. Yes, I do.

23 Q. When was that invoice sent?

24 A. July 30th, 2002. There's -- I might as  
25 well tell you up front. There is a typo on the

0039  
1 invoice where she had transcribed some notes for me,  
2 and I think she listed it as a report on the invoice,  
3 and we never sent a report to them.

4 Q. That was going to be my next question --

5 A. I know.

6 Q. -- because it says transcribed report

7 7-3-02.

8 A. Yeah.

9 Q. Was your report prepared on a computer?

10 A. Yes.. This letter report, yeah.

11 Q. Were any drafts of your report prepared?

12 A. No.

13 Q. So the only version that exists that's ever

14 been printed out is the one that's been signed and  
15 forwarded.  
16 A. Yes. As I said before, generally I'll wait  
17 until all of the factors are in that we suspect are  
18 going to come in as far as depositions and things,  
19 and then, of course, it's requested -- we weren't  
20 requested to turn out a report until then.  
21 Q. Do you recall whether you received timely  
22 payment on your invoice?  
23 A. I think so.  
24 Q. Or relatively so?  
25 A. I guess. I haven't checked into that. I  
0040  
1 mean, I suppose. I'd have to check with the  
2 accountant.  
3 Q. And you don't recall ever sharing anything  
4 about your inspection at all with Mr. Hagan between  
5 July of '02 in preparation of your report?  
6 A. No. If I did, it would be speculation. I  
7 don't if -- it's been so long since that's occurred.  
8 Q. The only reason I ask is because it would  
9 seem reasonable that Mr. Hagan might call you when  
10 you got your bill to say, Hey, what did you learn.  
11 Does that seem unreasonable?  
12 A. Or he contacted Mr. Green's firm and said,  
13 you know, Talk to Mr. Wade about this or something.  
14 I don't know.  
15 Q. But you don't know that you communicated  
16 any preliminary findings to anybody, whether  
17 Mr. Green's firm or Mr. Hagan or anybody at NetLife  
18 prior to preparation of your report?  
19 A. Yes. I mean --  
20 Q. Or prior to being requested to prepare a  
21 report?  
22 A. I'm sure I talked to Mr. Green's firm prior  
23 to this report and said, Look, here's what I've come  
24 up with, you know, before I issued the report, just  
25 prior to it. And I may have said, you know, that I  
0041  
1 suspect this or I suspect that at some point during  
2 the conversation.  
3 Q. Well, it's my understanding that you were  
4 contacted sometime shortly before preparation of your  
5 report by Mr. Green's firm to ask you to finalize  
6 your report.  
7 A. Right.  
8 Q. Prior to that contact, had you had  
9 discussions with Mr. Green's firm about your  
10 findings?  
11 A. I may have. I mean, there may have been  
12 some things that I discussed that, you know, related  
13 to the final product here in the report, but I can't  
14 tell you exactly what they were. I mean, things kind  
15 of evolve.  
16 Q. Is it your recollection, though, that you  
17 did have some contact with Mr. Green's firm prior to  
18 being asked by them to prepare the report?

19 A. Well, yes. I think we had a second  
20 inspection on -- I think it's listed in the report on  
21 October 27th, 2004.

22 Q. You weren't present at that inspection,  
23 were you?

24 A. Yes. Oh, I'm sorry. Is that right? Yeah,  
25 October 27th, 2004, there was a second inspection. I  
0042

1 was present at that.

2 Q. Do you have any records in your file here  
3 that indicate you were in attendance at that  
4 inspection?

5 A. The next invoice, I think, shows that. It  
6 includes the review of also the materials that Alcoa  
7 sent, yeah.

8 Q. Now, there's an indication in this invoice  
9 of a billing entry for transcribe letter report, and  
10 then a few days later edit letter report,  
11 photocaptions, mount photographs, bind.

12 A. Yes.

13 Q. Do you know whether the initial report that  
14 was transcribed still exists? In other words, the  
15 report that existed prior to editing.

16 A. No. We just change it on the computer.  
17 You know, she'll make some typo errors or maybe she  
18 types a sentence wrong or something and then I have  
19 to correct it as I read it. So I give it back to her  
20 and she just changes it on the computer before we  
21 issue the final version.

22 Q. Do you know whether a copy of that initial  
23 document was sent outside of your office, either to  
24 MetLife or to Mr. Green's office?

25 A. No, it would not be. We try to get all of  
0043

1 the typo things out of there we can.

2 Q. I see your rates have gone up since 2002.

3 A. Sorry.

4 Q. You're currently charging \$155 per hour; is  
5 that right?

6 A. Yes, sir.

7 Q. And this invoice -- there's only the two  
8 invoices, correct?

9 A. Yes.

10 Q. So the first invoice from your efforts in  
11 2002 and then this second invoice you've just handed  
12 me from 2004?

13 A. Correct.

14 Q. And the total of the second invoice is  
15 approximately \$5,200?

16 A. Yeah. As I said, that includes the  
17 voluminous review of those documents that were sent  
18 and then, of course, the inspection.

19 Q. You're welcome.

20 What was the total on the first  
21 invoice?

22 A. 2,475.

23 Q. Do you recall when you first received a

24 copy of Mr. Bob Dennis' fire scene investigation  
25 report?

0044

1 A. October 28th, 2004.

2 Q. Is that the same date that you received a  
3 copy of his deposition transcript?

4 A. Yes.

5 Q. On your own report on the first page, there  
6 are five items listed as having been reviewed by you  
7 to, I assume, reach your opinions and prepare this  
8 report. Other than the notes and photographs taken  
9 by you on July 2, '02, did you receive all of the  
10 other items at the same time, that October 28th, '04,  
11 date?

12 A. All the other items?

13 Q. The documentation of circuit/component  
14 testing of Ford Bronco performed by [REDACTED]  
15 Ltd. report of fire scene investigation authored by  
16 Mr. Bob Dennis, Items 2 through 5.

17 A. I may have. I don't know. I don't have --  
18 maybe there's a letter in here, but I don't think  
19 so. I don't have a letter to verify that.

20 Q. Now, that first item references notes.  
21 You've already shown us the photographs that you took  
22 from that day. Do you have copies of your notes here  
23 as well?

24 A. Yes.

25 Q. May I see those for a second?

0045

1 A. Sure. This is of the initial inspection.

2 Q. Were these notes actually taken by you at  
3 the salvage yard, I guess where you inspected the  
4 vehicle?

5 A. Notice the grease spot. Yes.

6 Q. So we've got two sheets of yellow lined  
7 paper with some handwritten notes. And this is your  
8 handwriting?

9 A. Yes, sir.

10 Q. And these were behind Tab Number 4 or part  
11 of Tab Number 4?

12 A. Part of Tab Number 4. Now, I have some  
13 additional notes that were taken after that that I  
14 consider to be notes.

15 Q. Okay. Well, let me ask you this: Looking  
16 at your report, Item Number 1 that refers to, and I'm  
17 quoting, Notes and photographs taken by me on July 2,  
18 2002, of the incident, 1995 Ford Bronco owned by  
19 Dr. Emile Barrow, are these two pages that you've  
20 handed me all of the notes taken by you on July 2,  
21 2002?

22 A. Yes. 2002, yes.

23 Q. And when you refer to -- I want to make  
24 sure this is clear. When you refer to notes and  
25 photographs taken by me on July 2, 2002, you're not

0046

1 intending to refer to these additional notes that you  
2 were just talking about a second ago, are you?

3 A. I may have neglected to list some of  
4 these. This was on the review of the  
5 circuitry/component testing of the Ford Bronco that  
6 are not -- that are not completed on July 2nd, 2002.  
7 They were done later, of course, after I got the  
8 documentation.

9 Q. You may have forgotten to reference those,  
10 but this particular Paragraph 1 that's listed is  
11 referring to these two pages of notes?

12 A. Yes, sir.

13 Q. Okay. Well, I can't think of a better way  
14 to do this, but I can't really read your writing very  
15 well, so I'm going to ask you to try to read it for  
16 me. Let's start with -- I left those in the order  
17 you handed them to me. I don't know whether there is  
18 any significance to the order. Can you tell me if  
19 there is?

20 A. Possibly not, because sometimes you'll go  
21 back and look at something or you need another page.  
22 It's too voluminous and you put it on a separate  
23 page, so you can't tell the ordering exactly from the  
24 document.

25 Q. Fair enough. Then just starting with the  
0047

1 page that's on top there, can you read to me what's  
2 on the page?

3 A. Okay. The first thing is a VIN number.  
4 It's 1FMSU15H33L [REDACTED]. The next line is 98K plus  
5 miles, 5.8 liter engine. The next line is cellular  
6 power boost antenna found in passenger cab on  
7 driver's side. A/C condenser on right-hand side not  
8 melted, significant burn pattern on left-hand side,  
9 relay fuse group left-hand side engine, arcing on  
10 terminal connector approximately .073 diameter wire.

11 Q. Before you go on, is that the last entry on  
12 that page?

13 A. Yes.

14 Q. Before you switch pages, what, if anything,  
15 is the significance of that last entry you just read  
16 me about --

17 A. Well, that's in the power distribution box  
18 area on the left-hand side of the engine  
19 compartment. And basically I wanted to show the  
20 diameter of the wire in case we did some destructive  
21 testing later and actually traced the wire back into  
22 the passenger compartment fuse box, or wherever it  
23 went. I'm not sure exactly. But I wanted to at  
24 least document the diameter of the wire for that  
25 purpose.

0048

1 Q. Did you ever go back and do any sort of  
2 destructive testing where you traced back that wire?

3 A. No, not really, because after I finished my  
4 investigation, I did not find any other area of  
5 activity within the vehicle, electrical activity to  
6 account for that possibly. And then secondly, there  
7 were no third-party add-ons to the vehicle that

8 failed that could have caused that. So it wasn't  
9 necessary, as far as I was concerned, but I did  
10 document it just in case.  
11 Q. Okay. Let's go on to that second page.  
12 A. This documents the cellular power boost  
13 antenna. It's a Nokia type HFU-2. I think this is a  
14 serial number: KG 44012880020005. It's made in  
15 Finland. It has a black holder with a 3 amp fuse on  
16 one of the lines. It tested okay. It wasn't blown.  
17 There was a red wire to a red striped,  
18 slash, black wire. The red wire to yellow holder had  
19 a 3 amp. And I put "question mark" because I didn't  
20 verify the fuse amperage, but it was not blown. It  
21 was still okay. I did say that.  
22 The orange wire went to a yellow  
23 holder, had a 3 amp with a "question mark" again.  
24 But it also was not blown. You could visually see  
25 that. And I also think I tested the volt meter.

0049

1 So as I said in the report, I  
2 eliminated the Nokia power boost as a cause or a  
3 factor in the fire.  
4 Q. Now, at the time of this particular  
5 inspection, you said Mr. Malnar was there from Ford  
6 Motor Company as well.  
7 A. Yes, sir, I believe so.  
8 Q. Did either you or he or both of you make  
9 any efforts to preserve physically the piece of arced  
10 wiring that you observed that you referenced on the  
11 first page of your notes?  
12 A. It was in the same condition that we found  
13 it. It was located in that bundle of wires that  
14 originally consisted of the power distribution box.  
15 Q. So having observed it and completed your  
16 inspection, what happened with the vehicle, as far as  
17 you know?  
18 A. I can't say. I mean, we covered it up with  
19 a tarp, or I did, when it was left. I don't know if  
20 they moved it again or not or if they left it in the  
21 same location.  
22 Q. When you arrived to inspect the vehicle,  
23 was the hood up or down?  
24 A. It was down. I think I photographed that.  
25 It also had the tarp on it, as you can see in the

0050

1 photographs.  
2 Q. Okay. And obviously, to inspect the engine  
3 properly, you had to open the hood, correct?  
4 A. Correct.  
5 Q. Did you close the hood when you were done  
6 with the inspection?  
7 A. Yes.  
8 Q. Put the tarp back on?  
9 A. Yes.  
10 Q. Do you know whether the vehicle was moved  
11 by the salvage yard to the location where you  
12 inspected it, or whether you simply had to go where

13 it was that they were storing it? Do you understand  
14 what I'm asking?

15 A. Yes, I understand. I think it was the  
16 original location that we looked at. I can't  
17 recall. It's been a long time.

18 Q. Okay. Now, I understand that it has been a  
19 long time. You were out there on October 27th of  
20 this year to observe another inspection of the  
21 vehicle?

22 A. Uh-huh.

23 Q. Was it in the same location when you went  
24 out there on October 27th as it was when you  
25 inspected it in 2002?

0051

1 A. No.

2 Q. It was not?

3 A. No.

4 Q. The vehicle had been moved?

5 A. Yes.

6 Q. Just out of curiosity, I guess, when you  
7 were at the October 27, 2004, inspection, were you  
8 able to locate and identify the arced piece of wiring  
9 that you referenced in your notes?

10 A. Yeah. I took a photograph of it. It's in  
11 the photographs. I think it's in the report also, if  
12 I'm not mistaken. Yeah, that's Photograph 16.

13 Q. Well, perhaps you didn't understand my  
14 question. I understood that Photographs 1 through  
15 18, plus all of these photographs you produced were  
16 generated during your July 2, 2002, inspection; isn't  
17 that correct?

18 A. Yes, sir.

19 Q. Okay. So my question, though, was at the  
20 time of the October 27, 2004, inspection, were you  
21 able to locate this electric arc beading as  
22 identified in your caption of Photograph Number 16?

23 A. I wasn't asked to.

24 Q. You weren't asked to?

25 A. No.

0052

1 Q. Nobody at the inspection asked you to show  
2 them where that was?

3 A. Not me. I wasn't asked to.

4 Q. I see. What was the purpose of your being  
5 at the inspection, just out of curiosity?

6 A. I assume if something else resulted from  
7 the inspection, say, if your investigator had found  
8 something that we would be able to look at it at the  
9 same time, something new.

10 Q. Did you look in the engine compartment at  
11 all?

12 A. Just cursorily.

13 Q. Did the engine compartment appear to be in  
14 the same condition as you had photographed it in  
15 2002?

16 A. There was a piece of cardboard missing, I  
17 think, from that. But other than that, no.

18 Q. Now, let's talk about this Photograph  
19 Number 16 and some of the conclusions in your  
20 report. On Page 2 of your report in, I guess, the  
21 third full paragraph on that page it begins with the  
22 words "on the left side." Do you see where I'm  
23 referring to?

24 A. Which paragraph?

25 Q. The third full paragraph on Page 2 of your  
0053

1 report.

2 A. Yes.

3 Q. It reads: On the left side of the engine  
4 compartment, I observed the remains of wiring where  
5 the PDB (Power Distribution Box) was located and  
6 extending back toward the engine bulkhead. In the  
7 location of the PDB, I discovered a terminal  
8 connector exhibiting electric arc beading.

9 Is that electric arc beading what is  
10 documented in your Photograph Number 16 as attached  
11 to the report?

12 A. Yes.

13 Q. Did you take any other photographs besides  
14 Photograph Number 16 that documents the existence of  
15 that condition?

16 A. No, I did not.

17 Q. The next sentence reads: Further away from  
18 the terminal connector in the wiring harness, I found  
19 fusing of electric wires.

20 Did you take a photograph of the  
21 fusing of the electric wires?

22 A. Yes. I think that's part of the additional  
23 photographs included in the original report. I  
24 believe so. Here's what should be part of one of  
25 these (indicating). If you'll look on the back as

0054

1 far as the number, you can document which one it is.

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2 Look on the back of that photograph, and it will tell  
3 you --  
4 Q. You've handed me a document -- a  
5 photograph, actually, with a designation on the back,  
6 R3-P15. It's got, I guess, a pen being used as a  
7 pointer; is that correct?  
8 A. Yes.  
9 Q. And it's pointing to some wiring. It looks  
10 like some copper-colored wiring; is that correct, or  
11 rust-colored wiring? I'm not sure.  
12 A. It's copper wiring. It's in the wiring  
13 harness.  
14 Q. And it's your -- your contention is that  
15 those are fused electric wires; is that correct?  
16 A. Yes, or arc gouge, one of the two. It  
17 depends on your use of terminology.  
18 Q. Can you tell me what exactly are fused  
19 electric wires? What are you -- what would you tell  
20 a jury that means?  
21 A. It means the wires are bonded together  
22 electrically, essentially.

23 Q. Does that mean they melted together?  
24 A. Yes, from heat energy.  
25 Q. Are those wires as depicted in this

0055

1 photograph R3-P15, are they insulated?  
2 A. R3 -- is that --  
3 Q. That's the same photograph. I just have an  
4 extra one.  
5 A. Originally they were. The insulation, of  
6 course, has been burned away by the ensuing fire.  
7 But originally they were. Or should be, let's put it  
8 that way.

9 Q. Of what significance do you find this fused  
10 wiring to be in terms of your opinions offered in  
11 this case?

12 A. The significance is that it further locates  
13 the area of origin of the fire within the vehicle.  
14 It's part of the wiring harness that is electrically  
15 energized. And that's basically it.

16 Q. So it's near the wiring harness and it was  
17 electrically energized.

18 A. Near it. It was part of the wiring  
19 harness.

20 Q. It was part of the wiring harness?

21 A. Yes.

22 Q. Is it your contention that there was some  
23 sort of an arcing in this location that caused the  
24 fire?

25 A. I don't think that is probable as the

0056

1 previous arcing that we observed at the connector,  
2 because, first of all, it's more minor in nature. It  
3 could cause a fire. I'm not saying it didn't. But  
4 secondly, it doesn't match the patterns that I see on  
5 the vehicle itself. It seems to be -- or from what  
6 my analysis proves, it's a secondary result of the  
7 fire. But I can't eliminate it entirely as a  
8 possible cause of the fire.

9 Q. So when you say a "result of the fire," do  
10 you mean to say that these wires were energized and  
11 insulated, attacked by the fire, and when the  
12 insulation burned away, they contacted each other  
13 while still energized?

14 A. Yeah. They don't necessarily have to --  
15 this is the problem you have with a number of wires.  
16 That wire may not be initially energized. It may be  
17 a result that it was energized as a result of the  
18 fire starting in the power distribution box causing  
19 the ensuing arcing later on. You can't predict  
20 sometimes in a fire exactly where the wires will be  
21 compromised first. That's why it's only used as a  
22 general location of the origin.

23 Q. Is it possible that these wires were  
24 attacked by a fire while energized?

25 A. That's what essentially I said, is that I

0057

1 consider this to be less likely the cause of the fire

2 than the original photograph that we looked at.  
3 Q. I see. The original photograph being  
4 Number 16 attached to your report?  
5 A. Yes.  
6 Q. Now, why do you consider, for instance, the  
7 location in Photograph Number 16 as the likely  
8 location of the cause of the fire?  
9 A. First of all, that's a power distribution.  
10 That's kind of a source area for power from the  
11 vehicle. The battery flows power to this power  
12 distribution box, and it goes thereafter through  
13 relays, connectors and such to the various points of  
14 the vehicle.  
15 Secondly, the patterns on the vehicle  
16 match that being the origin of the fire, that being  
17 the power distribution box. And then there may be  
18 another reason. We'll have to get into more detail.  
19 Q. Okay. Can you tell me what you understand  
20 the purpose of the power distribution box in the  
21 vehicle to be?  
22 A. My understanding is generally it's used for  
23 things such as the starter relay -- you'll have fuses  
24 for the starter relay coil, trailer add-on, you know,  
25 connection at the back. And then it also feeds the  
0058  
1 fuse panel inside the passenger compartment, certain  
2 circuits in that.  
3 So it's kind of an initiation point,  
4 generally speaking, of either higher amperage items  
5 or possibly feeding of, as I said, the fuse panel box  
6 in the passenger compartment.  
7 Q. To your knowledge, are there items that are  
8 powered by the battery on the vehicle where the  
9 current does not come through the power distribution  
10 box?  
11 A. I didn't check that, but I believe there  
12 are. There may be another source for the panel  
13 inside the passenger compartment to receive power  
14 other than the power distribution box. But I'd have  
15 to go back and check. I'm not certain on that.  
16 Q. If all of the -- just hypothetically  
17 speaking, if all of the electrical power in the  
18 vehicle runs from the battery through the power  
19 distribution box to the various locations that it  
20 needs to be in the car, and the power distribution  
21 box were attacked first by the fire as opposed to the  
22 fire starting in the power distribution box, would  
23 you still expect to see some sort of electrical  
24 arcing?  
25 A. No. In a lot of cases -- I can't say  
0059  
1 entirely -- that I could eliminate entirely. But  
2 typically, when you get a fire in the engine  
3 compartment like that -- I've looked at a number of  
4 these things -- you don't find any arcing activity in  
5 the power distribution box necessarily because the  
6 battery -- because of the temperature inside the

7 engine compartment fails the battery. It gets so hot  
8 in there that the battery is unable to produce  
9 current.

10 Now, that's not saying in every case  
11 that occurs, because obviously there's drafting and  
12 other issues that are involved. But I have seen a  
13 lot of different cases where you know it started in  
14 the engine compartment and you don't see any activity  
15 in the power distribution box.

16 Q. Is it possible for wiring within the power  
17 distribution box to be attacked by a fire and exhibit  
18 signs of arcing as a result of its insulation burning  
19 away?

20 A. Yes, I would say it's possible, but not  
21 probable in this case.

22 Q. And the reason that you say it's not  
23 probable in this case is?

24 A. Well, there's a number of things I  
25 mentioned before. The fire patterns on the vehicle

0060  
1 do not support an external fire. They support an  
2 internal fire, and even to the point of directing the  
3 fire back toward the power distribution box.

4 Q. Anything else?

5 A. The locality of the other arcing, again,  
6 places the origin in that vicinity in the wiring  
7 harness. As I said before, I can't eliminate that  
8 entirely as not being the origin point, but from the  
9 factors that I gave you before, it doesn't appear to  
10 be the most likely.

11 Q. Now, we deposed the Ouachita Parish fire  
12 department fire marshall yesterday who investigated  
13 this fire on behalf of the fire department, and he  
14 testified that he believed the fire started in the  
15 engine compartment based on the fire damage. And  
16 when I asked him if the same sort of fire patterns  
17 and damage could have occurred in the engine  
18 compartment of the vehicle if a fire had entered the  
19 vehicle at the front and left portion of it, he  
20 agreed that that was, in fact, possible. Do you  
21 disagree with that?

22 A. Yeah, I would disagree.

23 Q. Why would you disagree with that? What did  
24 you observe of the engine compartment of the vehicle  
25 that is, I suppose you'd say, damage to that engine

0061  
1 compartment that would contradict the possibility of  
2 a fire having entered the vehicle from outside of it?

3 A. Well, I have several factors. I mean, you  
4 can focus in on just the area of the PDB, the power  
5 distribution box, and look at the damage there as  
6 mentioned by Mr. Dennis. I concur that the damage is  
7 much worse in the area of the power distribution box  
8 than it is on the opposite side of the engine block.

9 Q. When you say "the opposite side of the  
10 engine block," you mean over on the right-hand side?

11 A. Correct, where the -- you can actually see

12 some aluminum components left, some of the hosing  
13 that's -- I'm talking about the right-hand side --  
14 for the air conditioning and other elastomeric hoses  
15 charred but still in a visible state of original  
16 configuration; whereas when you look on the left side  
17 where the power distribution box is, the hoses are  
18 gone. You see some melting or beginning melting of  
19 the aluminum at the top of the engine block toward  
20 that direction. There's some other factors like  
21 that. And then, of course, the electrical activity  
22 that confirmed the origin and cause of the fire.

23 But having said that, there are other  
24 factors even further out that tell you that a fire  
25 started on the left side externally to this vehicle

0062

1 is not probable in this case.

2 Q. What other factors are those? Are they  
3 factors that you observed in inspecting the vehicle?

4 A. Yes. And the most particular thing -- I  
5 think this is fairly interesting is I believe your  
6 expert opined that the fire started externally. The  
7 only way you could have the damage to this left front  
8 tire is with an external fire. But what he failed to  
9 recognize is the fact that we have a sidewall here  
10 that's perfectly intact.

11 Now, what that tells you is that this  
12 fire that originally started, this sidewall is --  
13 this tire is inflated. And at some point after this  
14 fire spread, the tire deflated. Now, you can see  
15 where it deflated at because this tire has rotated on  
16 the rim because they drug the vehicle out of the  
17 garage. And you see the damage at the top is much,  
18 much worse. In fact, it has penetrated all the way  
19 down to the rim itself.

20 Now, if you rotate this tire back to  
21 its original position where this is on the bottom,  
22 the protected area is on the bottom and this damaged  
23 area is on the top, well, you find this is located  
24 near the back side of this rim. This is the front of  
25 the vehicle on the left side of the photograph

0063

1 (indicating). This is toward the rear (indicating).  
2 The power distribution box is in this vicinity  
3 (indicating). Where do you see most of the damage?  
4 Right there to that tire (indicating).

5 And that fire in the power  
6 distribution box caused the deflation of the tire  
7 which protected this area. If you had an external  
8 fire, this sidewall would have been damaged as well  
9 as this other portion of tire. That's not the case  
10 in this fire.

11 Secondly, your expert opined that --

12 Q. Let me stop you for a second. Who do you  
13 mean by my expert?

14 A. Mr. Newell, I believe it was that said  
15 that -- I assume he's your expert. But he said that  
16 tires do not drip. Well, I would agree to a certain

17 extent they don't drip because the main body of the  
18 tire is comprised of a carbonate -- highly carbon  
19 synthetic type of polymer material. But portions of  
20 the tire are comprised of plastic -- or some sort of  
21 elastomeric plastic material that does drip. You can  
22 see that on the rim where this whitewall has dripped  
23 down to the rim itself.

24 So what is that of importance? The  
25 importance is that you can get this material on fire  
0064

1 and it can drip down to the floor level. And  
2 obviously, when this tire deflated, portions of  
3 this -- just a very small portion of this tire was  
4 still left exposed at the bottom. And you can see  
5 that where it's burning. That would account for the  
6 radiate heat that you would get from the left wall  
7 that came back to this tire and also helped engage  
8 the remainder of the tire. Okay. That's one  
9 factor.

10 The other factor is --

11 Q. Let me stop you for a second just to make  
12 sure that -- can you tell me what the designation is  
13 on the back of that photograph?

14 A. Sure. Of course, I've taken several, but  
15 this is R2-P24. There's another picture of R2-P23  
16 that shows the damage area more closely and how it  
17 extends into the main bulk of the tires, not just on  
18 the external side. It's completely across the tire  
19 itself.

20 Now, that can't happen from -- by the  
21 way, that can't happen from debris falldown because  
22 that tire is protected by a fender and a hood. And  
23 you can't have debris snaking under the fenderwall  
24 and causing that tire to catch on fire at the top of  
25 it first. That's physically impossible.

0065

1 The other reason -- do you want to ask  
2 me questions about that or --

3 Q. Yes, I do, so hold on. The first question,  
4 and maybe a little bit more generically, neither of  
5 those photographs are included in your report; is  
6 that correct, the two that you just identified?

7 A. Correct. I mainly focused in the report  
8 about the power distribution box. I didn't  
9 mention -- well, I did mention fire patterns, but I  
10 didn't go into that because we have this deposition  
11 anyway. I knew it was coming up.

12 Q. Now, a more substantive question. You said  
13 that this fire could not be caused to burn from the  
14 top, as you've opined, by drop-down?

15 A. Correct.

16 Q. Because it's protected by the fender or the  
17 wheelwell?

18 A. And also, you have to remember that the  
19 hood is protected by a fiberglass. Usually they have  
20 a fiberglass insulation in the hood that protects  
21 some of that area. But that goes to my second point

22 about the fire patterns. And we can get involved in  
23 that, if you want to, or ask some more questions  
24 about this.

25 Q. Well, let's hold off on the next issue.

0066

1 What is your theory of how this tire  
2 becomes involved in the tire since it cannot be  
3 ignited by drop-down?

4 A. The power distribution box ignited  
5 initially. It burnt the plastics in that area,  
6 whatever oil had accumulated on the surfaces from the  
7 use of the engine through the 98,000 miles. You have  
8 also brake fluid that eventually -- the reservoir is  
9 plastic. It melts, adds an additional fuel load.

10 You also have ethanol glycol and the  
11 antifreeze reservoir located at the upper left. You  
12 have plastics like the air cleaner container that's  
13 located on that same wall. All of those items  
14 provide combustion. Now, they don't combust  
15 completely at the point that this power distribution  
16 box catches on fire, because as Mr. Newell -- he was  
17 correct about the fact. It's like a frying pan lid.  
18 You do get some combustion, but because there's lack  
19 of oxygen because the hood contains the fire, until  
20 those fumes get outside, some of them are not  
21 combusted. And that tends to correspond to what  
22 Dr. Barrow saw, his initial impression of seeing the  
23 fire about the flames of the hood area.

24 And they also come out the side, and  
25 that's what ignited the tire, the sidewall of -- the

0067

1 side fender area, left front fender area as things  
2 progress.

3 Q. When you say they come out the side, that's  
4 what I'm trying to understand. The combustibles that  
5 you say ignited the tire, how did they get to the  
6 tire through the fender of the vehicle?

7 A. Well, there's usually either a plastic, or  
8 there may not even be plastic there that covers that  
9 fender area. But you can see that there's no metal  
10 cover of that tire, if you mean like an inner fender  
11 cover. Because you can see in my photograph how that  
12 is open right down to the tire. You can actually see  
13 the rim in the view of this engine compartment on  
14 Photograph 15. You can see the tire in the  
15 background there further down below. I think there's  
16 a left side view also that shows the other tire  
17 similarly exposed.

18 So whatever covered it either was not  
19 covered, which I suspect is not the case. It  
20 probably was a plastic. Because I've got Fords, and  
21 I know that they use the plastic there to cover the  
22 fender. It's corrosion resistant. It's a good  
23 material for that purpose. But that also adds to the  
24 flammability as the fire goes as far as melting and  
25 then providing a path for the fire to get out from

0068

1 the engine compartment.  
2 Q. This Photograph Number 15 that you just  
3 referenced, can you -- you have the original photos  
4 in your report.  
5 A. Yeah, it's actually -- yeah, I do. It's 15  
6 in the report.  
7 Q. Right. This is my only copy of the report  
8 as well. Here's my question for you. In Photograph  
9 Number 15, can you tell me where the power  
10 distribution box is located?  
11 A. Can you see that pink cord there  
12 (indicating)? It's in that area.  
13 Q. I see two pink cords, actually. I see one  
14 right next to a tape measure and then one --  
15 A. Well, it's the further one back. I  
16 actually have a picture of it if you'd like to see  
17 how it was originally configured. I thought it would  
18 be nice to show you to assist in your understanding  
19 of where it was located. This is from the  
20 documentation that you furnished, but it's in this --  
21 right here in this area (indicating). It's similar  
22 to what my 150 is. I've got a truck. It's a similar  
23 type of configuration, although the air cleaner comes  
24 in here with a different configuration (indicating).  
25 Q. Okay. This is a document. It reads

0069

1 Produced by Ford over here in the corner?  
2 A. Yeah. This was produced by -- as part of  
3 that documentation in the wiring harness.  
4 Q. Just for the record, then, I'll tell you  
5 that I represent [REDACTED] Ltd.  
6 A. Right.  
7 Q. Mr. Swinnen represents Ford. Both  
8 companies have produced documents and identified  
9 them. So I'm not sure which documents you're  
10 referring to when you say "documents you produced"  
11 until I see something like this in the corner.  
12 A. Yeah. Unfortunately, your documents, I  
13 believe, had a number, an exhibit number that you  
14 could refer to. But this was part of the Ford  
15 presentation or furnishment of documents, and I don't  
16 see a number on that.  
17 Q. But this document has a title at the top,  
18 151-1 Component Location Views.  
19 A. Yeah. This is what you'd see in the  
20 service manual I think that illustrates what  
21 particular components are.  
22 Q. Talking about the Ford Bronco vehicle from  
23 a front-to-back perspective, is the power  
24 distribution box located to the front of or directly  
25 above or to the rear of the left front tire of the

0070

1 vehicle?  
2 A. To the rear of the left front tire. From  
3 the center line straight up, it would be toward the  
4 rear section.  
5 Q. Okay. Now, is the location of the power



6 distribution box open to the floor, open to the  
7 ground?  
8 A. Well, obviously there is an opening down  
9 there. It's -- there is an opening initially in the  
10 original vehicle, yes.  
11 Q. Well, in other words, it's not located  
12 directly above the fender?  
13 A. It's attached to the left side of the  
14 fender as shown in this diagram.  
15 Q. Okay. And you've indicated that a fire  
16 could not drop down on top of the tire because of the  
17 presence of the fender. Isn't that your testimony?  
18 A. The hood. The hood is a metal object. You  
19 can have burning embers fall down on that hood, but  
20 they would produce a different pattern than what we  
21 see in this case.  
22 Q. I see. But it's your testimony that items  
23 can drop down on top of a tire from within the engine  
24 compartment itself?  
25 A. Eventually, because that plastic cover over  
0071 the wheelwell becomes compromised from the heat of  
1 fire and either melts or it falls away, and you get  
2 that situation.  
3 Q. So when you initially referred to tire  
4 being protected from drop-down, what you're talking  
5 about is drop-down from the ceiling above in the  
6 garage?  
7 A. Yes, that's correct. There was some  
8 mention that there was a possible fire in the ceiling  
9 that dropped down debris either on the car or on the  
10 left front area of the Bronco -- in front of the left  
11 front Bronco. The part about it dropping down on the  
12 vehicle itself is not probable that it caused this  
13 fire.  
14 Q. Do you have an understanding or an opinion  
15 as to what direction the fire traveled within the  
16 engine compartment from where you have opined that it  
17 originated?  
18 A. Yes.  
19 Q. Can you tell us that?  
20 A. It came out the front through the grille.  
21 It also came out the side left wheelwell, the left  
22 wheelwell. And likely it came out also between  
23 the -- gap between the hood and the windshield, you  
24 would say, right there where it has a hinge. Those  
0072 three areas.  
1 Q. Do you have any photographs of the grille  
2 area of the vehicle?  
3 A. Yes, several. One, of course, is  
4 Photograph Number 4 that gives a general view of the  
5 grille. Here's -- I suppose that's about the same as  
6 Photograph Number 4 in the report (indicating).  
7 Here's a good one of both the left and right sides.  
8 This would be R1-P03 would give you the left side of  
9 the grille, and then we have the right side on R1-P1.  
10

11 Q. Now, each of these photographs that we're  
12 referring to are actually contained in your binder.  
13 correct?

14 A. Yes, they should be. Let me double  
15 verify.

16 Q. They're behind Tab Number 6?

17 A. Yes. Those are the two that we're looking  
18 at right there.

19 Q. Now, the photographs that you've just  
20 referred to are pictures of the vehicle from the  
21 outside. Do you have any photographs of, let's say,  
22 the reverse of those? In other words, the internal  
23 side of the grille area, for instance, where the  
24 radiator might be.

25 A. No. I have a top down view that shows

0073

1 damage to the top of the radiator on the left side.  
2 And that's part of one of the other photographs. But  
3 I didn't take a picture of the inside.

4 Q. Do you have any documentation of, for  
5 instance, damage to the radiator?

6 A. As I said, the top side section that shows  
7 the top edge that's damaged by the fire as it comes  
8 out of the hood toward the front.

9 Q. Looking at Photograph Number 6, that looks  
10 like a top down shot of the engine compartment.

11 A. In the report?

12 Q. In your report, yes.

13 A. Yes.

14 Q. Is the radiator shown in that photograph?

15 A. Yes.

16 Q. Is it basically just to the left of the  
17 tape measure that's in the photograph?

18 A. Yes.

19 Q. Just to the right of the tape measure about  
20 in the center of the photograph, there appears to be  
21 some sort of a hose. Do you see that?

22 A. You're talking about further over toward  
23 the center line of the vehicle?

24 Q. Yes.

25 A. Yes. That's the radiator hose.

0074

1 Q. A fairly wide black hose?

2 A. Yes.

3 Q. Do you know what that material is made of?

4 A. I don't know exactly. I'd have to go back  
5 and look, but it, of course, has been degraded by the  
6 fire.

7 Q. Is it combustible?

8 A. Again, I'd have to go back to check. It  
9 probably does since it is a plastic at some point  
10 provides some sort of fumes that will combust, but  
11 not -- I don't know that it will sustain combustion.  
12 I'd have to check that.

13 Q. Did you find any evidence in the engine  
14 compartment of destroyed or melted wiring or wiring  
15 that disappeared completely as a result of the fire?

16 A. Not other than -- no, I can't say that I  
17 did find any that just disappeared as a result of the  
18 fire. There may be some, but I can't say that I  
19 found some that did that.

20 Q. So you're not sure whether there was wiring  
21 that was completely consumed by the fire?

22 A. There may be. I can't be sure. But I  
23 didn't find any that exhibited melting of that  
24 nature.

25 Q. Still looking at Photograph Number 6 just  
0075

1 above where we've talked about the radiator hose  
2 being, it looks like there are a couple of intake  
3 areas right where I've just pointed.

4 A. Correct.

5 Q. Do you know what those are?

6 A. It's air intake, probably fresh air, I  
7 think. I'll have to go back and look. But probably  
8 fresh air intake for the carburetion system -- or not  
9 the carburetion, but throttle injection system.

10 Q. So there are not supposed to be any hoses  
11 or anything attached to those, are there?

12 A. Yeah.

13 Q. There are?

14 A. You can see the original retaining ring on  
15 that. Do you see that clamp that's still on the end  
16 of it?

17 Q. Yes.

18 A. Which indicates there was a hose on it  
19 originally.

20 Q. So would the fact that they don't appear in  
21 this picture be some evidence that they were consumed  
22 in the fire?

23 A. Yes. Those hoses were probably consumed,  
24 but they're much less of a substantial wall than a  
25 radiator hose, say. A radiator hose has a lot of

0076  
1 pressure on it.

2 Q. When you say "a lot of pressure on it," do  
3 you mean from within?

4 A. From the heat, boiling of water. I mean,  
5 there's more pressure in the fact that you've got  
6 water that you have to contain. It's much more  
7 substantial in wall thickness than it would be for  
8 air.

9 Q. Okay. Now, you've indicated in your report  
10 and I think in your testimony today that you've  
11 reviewed Mr. Dennis' fire investigation report and  
12 his deposition testimony, correct?

13 A. Yes, sir.

14 Q. And are you aware that even when Mr. Dennis  
15 investigated the fire scene, the vehicles had already  
16 been removed from the garage?

17 A. Yes.

18 Q. And are you aware that even when Mr. Dennis  
19 investigated the fire scene, the garage had, in fact,  
20 been cleaned out of all of its contents?

21 A. I think so. I saw a photograph, one of his  
22 photographs or a Xeroxed copy of it. It looked like  
23 there had been removal of debris from that.

24 Q. And are you aware that he was not even able  
25 to examine, for instance, all of the lighting

0077

1 fixtures in the garage as a result of them having  
2 already been cleaned out of the garage?

3 A. Correct.

4 Q. And it's your position today that you  
5 concur with his conclusions?

6 A. Yes, pretty much. You'd have to be more  
7 specific, but I concur with his area of origin.

8 Q. What do you understand his area of origin  
9 to be?

10 A. He -- as I understand it, he said the area  
11 of origin was in the vicinity of the power  
12 distribution box area inside the engine compartment  
13 of the Ford Bronco. And he may have gone on further  
14 to say that it was essentially in the power  
15 distribution box itself because he found fused wires  
16 there.

17 Q. So let me make sure I understand this.  
18 Despite the fact that you yourself never had an  
19 opportunity to observe the scene of the accident and  
20 despite the fact that the vehicles and everything  
21 else was removed from the garage before even  
22 Mr. Dennis investigated the fire scene, it's your  
23 opinion that his conclusions are sound, and you, in  
24 fact, concur with them?

25 A. At least what I've seen from the

0078

1 photographs so far. Now, if you could show me  
2 something that's contradictory to that, then I would  
3 certainly be willing to consider it. But from what  
4 I'm seeing before, plus the evidence and the patterns  
5 on the vehicle itself, I concur with his opinion.

6 Q. Do you -- you're aware that Mr. Dennis was  
7 at the fire scene on March 14th, 2002, correct?

8 A. I'd have to look at his report to get the  
9 exact date. Yes, March 14th, 2002.

10 Q. Which is the day immediately following the  
11 date of the fire?

12 A. Yes.

13 Q. So your statement to that unless we can  
14 show you photographs of some additional evidence that  
15 would contradict what you're saying, you're satisfied  
16 with his conclusions and your own, correct?

17 A. Correct. Unless it's something substantial  
18 that -- I mean, everybody can have their opinion, but  
19 what I've seen so far doesn't contradict his opinion.

20 Q. Well, would it be fair to say that no  
21 defendant in this litigation could possibly have  
22 photographs of any evidence from that garage that  
23 would predate Mr. Dennis' on the 14th?

24 A. Again, if you look at the patterns and from  
25 what I read from Mr. Dennis' deposition and what I

0079

1 saw on the photograph, this was not a ceiling level  
2 fire. The damage would be different than it is in  
3 this case.

4 Q. I didn't ask you whether it was a ceiling  
5 level fire. My question is, would it be fair to say  
6 that no defendant in this case can have photographs  
7 of anything that was in the garage that predate  
8 Mr. Dennis' photographs that could somehow contradict  
9 or be additional evidence that you'd like to see that  
10 would affect your opinion?

11 A. Again, the area of origin as the fire  
12 investigator places it precludes you don't have to  
13 examine everything in that house to determine a cause  
14 of fire. If you have determined the area of origin  
15 of the fire being the vehicle, you do not have to  
16 have photographs of everything or every item that is  
17 possible suspect as cause of fire unless you have  
18 some proof that it is. And the fire patterns do not  
19 match that.

20 Q. Would it be fair to say that even if there  
21 had been some other proof of the fire starting  
22 somewhere else in the garage, whether a fire  
23 intentionally set underneath the vehicle or  
24 otherwise, it wasn't there for Mr. Dennis to find  
25 when he arrived at the scene, and it certainly wasn't

0080

1 there for any defendant investigator to find?

2 A. I don't know that I can say yes or no from  
3 that -- the way you've posed the question. I'm  
4 sorry. You'll have to repeat the question.

5 Q. The garage was cleaned out before  
6 Mr. Dennis even got there, correct? You're aware of  
7 that?

8 A. Yes. But you would do that in a normal  
9 course anyway of fire investigation to look at the  
10 patterns on the floor, the patterns on the wall, the  
11 pattern on the ceiling which was available for  
12 Mr. Dennis or your expert to examine.

13 Q. Just for record purposes, not for my expert  
14 to examine. But to ask a question, Mr. Dennis didn't  
15 get to examine any evidence, for instance, along the  
16 walls of the garage, did he?

17 A. He said he looked at a receptacle, a  
18 fluorescent light, I believe, in his deposition or  
19 some other device that he looked at as a matter of  
20 course. But those were outside of the area of  
21 origin. And according to 921, you can eliminate  
22 other sources of ignition outside the area of origin  
23 of a fire. It's not necessary.

24 It would be like you coming in and  
25 saying, okay, the fire started up at the peak of this

0081

1 roof and somehow got down to the vehicle itself. We  
2 need to look at that wire that's up at the peak of  
3 the roof. It's not necessary. It's not in the area  
4 of origin.

5 Q. So as long as Mr. Dennis has identified an  
6 area of origin in the course of his investigation, no  
7 other investigator needs to worry about trying to  
8 identify the area of origin? They're just supposed  
9 to rely on his determination for purposes of their  
10 investigation?

11 A. No. Mr. Helton actually went to the  
12 scene. He could have relied on Mr. Dennis'  
13 photographs, but he actually went to the scene  
14 himself, had the opportunity to look at the scene and  
15 request items at the scene that needed to be  
16 preserved or samples taken, none of which he did.

17 Q. You mean the items that were thrown in the  
18 dumpster?

19 A. He never asked that we -- let's look at  
20 this fluorescent light fixture that it might -- he  
21 said in his deposition, Mr. Helton said that he did  
22 not suspect an electrical fire caused this fire in  
23 the residence. He said that, if I'm not mistaken. I  
24 can look it up here in part of his deposition.

25 He said on Page 36 he looked at

0082

1 electrical components of the house, garage and found  
2 nothing wrong with what he saw. He said the only  
3 suspect area was a light box over the top of the  
4 vehicle where he was told there was a fluorescent  
5 light. He never requested that from Mr. Dennis to be  
6 preserved or he never made any attempt to find it.  
7 And then secondly, it doesn't match the patterns as  
8 far as it being an origin of fire for a number of  
9 reasons.

10 Q. So you think it was unreasonable for him to  
11 not to try to examine that fluorescent light fixture  
12 or to request that it be retrieved?

13 A. If he suspected that being indeed a cause  
14 of fire, then, he should have made an attempt himself  
15 to either retrieve it or tell Mr. Dennis, Look, I  
16 want to see this fluorescent fixture.

17 He also didn't take samples. There  
18 was some mention of a spill on the floor in front of  
19 the Bronco there never was taken any sample from the  
20 wall area next to that that it may have spilled over  
21 to or anything like that. Why would you not do that  
22 if you suspect that there's some liquid there? It  
23 mystifies me if you're a fire investigator if you are  
24 suspecting those things as being in the area of  
25 origin, then you would at least make an attempt to

0083

1 take a sample or something to verify what you were  
2 attempting to show. None of that was done.

3 Q. Would it not have been better practice for  
4 the light fixture to remain where it was in the  
5 garage as opposed to being thrown in the dumpster in  
6 the first place?

7 A. It would be nice to have the light fixture  
8 for his purpose to look at it if he was suspecting  
9 it. But as far as Mr. Dennis was concerned, he had

10 already determined the area of origin to be the  
11 vehicle from both patterns and witness statements and  
12 a number of other things.

13 Q. Now, it seems you're familiar with  
14 Mr. Helton's deposition transcript. Have you  
15 reviewed Mr. Dennis' transcript as well? It's part  
16 of that binder.

17 A. Yes, I think I have.

18 Q. And if you turn to Page 27 and 28 of his  
19 deposition. Is that in your --

20 A. Yes.

21 Q. -- binder?

22 He's asked the question, Did you go  
23 through the dumpster to find out what had been  
24 discarded into the dumpster? And his answer at the  
25 top of Page 28 is, I looked at it and gave that

0084

1 thought up. Do you see where I'm referring to?

2 A. Right.

3 Q. So Mr. Dennis didn't look through the  
4 dumpster either, did he?

5 A. No. He didn't need to. He had determined  
6 the origin to be the vehicle.

7 Q. Now, line 13 on Page 28, Mr. Dennis is  
8 asked, quote, Let me back up to the dumpster. I  
9 mean, I can understand why you wouldn't want to go  
10 digging around in a dumpster, but did you consider it  
11 important for part of your investigation to find out  
12 exactly what materials had been removed from the  
13 scene as it was at the time of the fire and actually  
14 put in the dumpster? And his answer is, Yes, I was  
15 interested in that. Correct?

16 A. Correct.

17 Q. So he was interested, and he thought it was  
18 important based on his own deposition testimony here,  
19 correct?

20 A. Correct.

21 Q. He's then asked, Then why is it that you  
22 didn't go through what materials were actually in the  
23 dumpster? And his answer was, It was nasty, dirty,  
24 heavy. The dumpster is deep, and I just don't like  
25 to do that.

0085

1 Is that how you would have conducted  
2 your investigation?

3 A. Again, I don't know what he was interested  
4 in in that dumpster as far as what particular  
5 device. Maybe he thought there was some sort of  
6 furniture or some piece of item that was in the --  
7 ice cooler or something that was in the garage. I  
8 don't know what he was looking for. If it was that  
9 necessary, I know he would have taken the time to go  
10 in there and dig it out or have it dug out, one of  
11 the two.

12 Q. In your report on the second page you  
13 reference a wire adhered to the hood hinge on the  
14 left side.

15 A. Right.  
16 Q. Was that of any significance to you?  
17 A. Well, at first I thought there was some  
18 sort of electrical activity that that resulted from,  
19 and I had noticed in, as I said, the document I  
20 reviewed the testing of the wiring harness through  
21 the documentation that was furnished. And they had  
22 found a wire that had gotten caught in that hinge.  
23 And I noticed that at the scene, too. I thought that  
24 was funny that you'd get a wire adhered there in that  
25 vicinity, because it should have been retained by

0086

1 some means within the wiring harness. But I didn't  
2 find any direct evidence of electrical activity, so I  
3 didn't consider that to be an ignition source.

4 Q. Okay. And that particular condition is  
5 documented in Photograph Number 18 of your report?

6 A. Yes, sir. Correct. I think I had  
7 recognized that before I had even saw your  
8 documentation because I took that at the first --  
9 first examination.

10 Q. I think that's all the questions I have,  
11 but I do want to make sure that we are set in terms  
12 of exhibiting. As I understand what you've told us,  
13 sir, all of the photographs that you've provided me  
14 with copies of are, in fact, in your report -- I'm  
15 sorry -- in your binder?

16 A. Binder, yeah.

17 Q. So if we were to basically generate that  
18 binder as a single exhibit to this deposition, we  
19 have all the documents that we've referred to  
20 throughout your deposition, all of the photographs  
21 that we've referred to throughout your deposition,  
22 and a complete set of everything that constitutes  
23 your file, correct?

24 A. Yes.

25 Q. But for the voluminous documents produced

0087

1 by Ford and [REDACTED]

2 A. A box full of documents, yes.

3 Q. Why don't we go ahead -- I do have a couple  
4 of more questions. Why don't we do this, then.  
5 Let's identify your binder as Wade Exhibit 1, and we  
6 can either have copies made here --

7 MR. WYRICK: Or, Charlie, if you want  
8 to just take it with you or have Mr. Wade provide it  
9 to us. However you'd like to do that is fine with  
10 me.

11 A. Do you want me to take out these  
12 depositions? I mean, I didn't mark in the  
13 depositions or anything, as far as that goes.

14 Q. (By Mr. Wyrick) Well, I think for purposes  
15 of having a complete copy of your file -- we lawyers  
16 tend to kill trees that way, but rather than have to  
17 note "this exhibit is missing the deposition  
18 transcripts from Mr. Wade's file," I think we'd  
19 rather be able to put it all in a folder.



20 MR. WYRICK: I don't think I'm  
21 speaking out of turn for everybody.  
22 MR. SWINNEN: I would also like to  
23 add, the photographs, Mr. Wade, were they digital or  
24 did you take them with a regular 35 camera?  
25 THE WITNESS: 35 camera.  
0088  
1 MR. SWINNEN: So you still have the  
2 negatives?  
3 THE WITNESS: These are the negatives  
4 (indicating).  
5 MR. SWINNEN: I would like to get some  
6 direct prints as opposed to, you know, color Xerox.  
7 Color Xerox is fine for general purposes, but direct  
8 prints are better.  
9 THE WITNESS: That's fine. We can do  
10 that. It won't be a problem. We can do that.  
11 (Deposition Exhibit 1 was marked.)  
12 Q. (By Mr. Wyrick) Now, before I stop, I, of  
13 course, misrepresented myself when I said I have no  
14 more questions.  
15 You took some handwritten notes of  
16 your review of [REDACTED] testing documents; is that  
17 right?  
18 A. Yes.  
19 Q. Was there anything within your review of  
20 those documents -- or perhaps I should put it this  
21 way: Do you base your opinion as to the cause and  
22 origin of this fire in any way upon information that  
23 you gleaned from a review of [REDACTED] documents, which  
24 is represented in the notes that you've got in your  
25 hand?  
0089  
1 A. Well, generally, I don't know. That's kind  
2 of a general question. There were a lot of problems  
3 that were tested during the testing of this wiring  
4 harness that came up, maybe more than I expected to  
5 be found from that standpoint. But I don't know that  
6 I could point to a specific one and say, well, this  
7 one is the cause of this fire or something like  
8 that. I can't do that because of the condition of  
9 the vehicle after the fire. I can only say that  
10 there was a number of problems in the power  
11 distribution box or wiring harness.  
12 Q. Now, is it your understanding that this  
13 testing that was done was part of the design process  
14 for the power distribution box?  
15 A. True. But, for instance, like some of the  
16 testing that was done you would find that they would  
17 find a problem. There was one instance where they  
18 couldn't ever find what the cause of the problem  
19 was. The turn signals wouldn't work, something like  
20 that. And they referred that back, I think, to  
21 Ford.  
22 And then another instance, they said a  
23 problem with the chafing on the wire was a build  
24 problem, where they built the vehicle, something to

25 that nature. And then other times it was -- they did  
0090

1 find out what the problem was. They didn't have an  
2 index finger for a particular connection in the PNP  
3 that allowed the fuse to connect properly, and they  
4 fixed that according to what -- at least to what they  
5 said in the documentation. But I never saw an  
6 engineering order or anything like that to verify  
7 that that was actually fixed. I just saw where  
8 somebody wrote in there so-and-so fixed it.

9 Q. Now, you understand these documents go back  
10 to testing of a product that was designed sometime  
11 prior to 1995?

12 A. Oh, yes. Yes. I mean, typically you will  
13 do that. I worked as a manager of a plant and we  
14 still had the same process.

15 Q. Now, you've offered opinions in your report  
16 and then in your testimony today as to the cause and  
17 origin of the fire.

18 A. Yes. It is similar --

19 Q. As I understand --

20 A. As I said, I didn't look at the residence,  
21 but I did -- the patterns do match the cause and  
22 origin being the vehicle.

23 Q. My question to you is this: Are you  
24 expecting to offer any opinion at time of trial as to  
25 the existence of any specific defect within the power

0091

1 distribution box?

2 A. Yes. I mean, there are a couple of  
3 problems I see that can result in the arcing that's  
4 shown in that photograph.

5 Q. Okay. Well --

6 A. Now, I can't eliminate it down to one  
7 specific thing, but I can say that things such as a  
8 poor connection at the crimp can issue heat causing a  
9 fire which can, in turn, cause the arcing that's seen  
10 in the photograph, a stray wire off a connection, a  
11 grounding to a surface or another wire or another  
12 connector, a crack in the PWB in the mold process  
13 where the wire is allowed to touch some other  
14 grounded surface in the vehicle or other wire.  
15 Things of this nature can cause the same fire. A  
16 defect like that can cause this fire.

17 Q. All that being understood, did you find any  
18 evidence of the existence of any of those defects  
19 that you just described other than the fact that the  
20 fire occurred?

21 A. The arcing in the wire is evidence of that  
22 that I mentioned in the report. And as I said  
23 before, I can't eliminate it down to one item. There  
24 are a number of items that can cause that.

25 Q. Please tell me if I'm not stating this

0092

1 fairly. Are you offering the opinion that the power  
2 distribution box was defective in some way because  
3 you discovered an arced wire which you believe caused

4 the fire?

5 A. That's unfair. We went through this  
6 before. The number of things that tell you that  
7 that's true are the patterns. We've discussed the  
8 tire. We've discussed the arcing where it is, the  
9 damage on the left side of the vehicle. Some of the  
10 things I saw in Bob Dennis' testimony and others and  
11 photographs -- Xerox copies of photographs confirming  
12 that the origin is at the Ford Bronco.

13 Q. Perhaps my question was unclear. I'm not  
14 asking you now about your specific opinion as to  
15 cause and origin. I'm asking you with respect to  
16 your opinion as to the existence of a defect -- of a  
17 specific defect in the power distribution box.

18 And as I understand it, you've offered  
19 us three examples of what defect might or might not  
20 have existed in the power distribution box that could  
21 have caused the fire at that arcing point. As I  
22 understand it, you're saying that arcing point that's  
23 identified in Photograph Number 16 is where the fire  
24 started?

25 A. Yes.

0093

1 Q. And you've testified today --

2 A. Or near the vicinity, the power  
3 distribution box.

4 Q. And you've testified today that you now  
5 believe that there are a certain number of defects  
6 that might have existed within the power distribution  
7 box to have resulted in that?

8 A. Yes.

9 Q. And my question to you is: Other than the  
10 fact that there was -- that you've discovered this  
11 arc, did you discover any physical evidence of, for  
12 instance, a crimp that was too loose? Did you see a  
13 crimp that was too loose?

14 A. Again, I can't -- because of the damage of  
15 the vehicle, as I said before, I can't specify it  
16 down to one item. And furthermore, your question  
17 about just using that particular arced wire as a  
18 determination as to the cause of fire is not part of  
19 my analysis. I mean, is not the singular thing of my  
20 analysis. I mentioned the other items that show that  
21 that defect existed prior to the fire and that it's  
22 in that vicinity and this arcing is abnormal to have  
23 occurred and it did cause the fire.

24 Q. Even if we were to concede that a fire  
25 starting in a vehicle spontaneously is abnormal -- I

0094

1 think everybody would agree with that. So assuming  
2 that that actually occurred in this case, my question  
3 to you is: How do you establish that a specific  
4 defect existed in the power distribution box, or can  
5 you?

6 A. Referring back to what you just said, a  
7 spontaneous combustion. There's no evidence of some  
8 sort of a chemical that would produce a spontaneous

9 combustion, i.e., it's eliminated. So then we're  
10 back to what are the possible causes of this arcing.  
11 And at this point, the only thing that I see that is  
12 credible scientific type of cause of fire is a  
13 defect, not only from what I saw at the actual  
14 examination of the vehicle, but also from some of the  
15 testing that had been done on the power distribution  
16 box. They had found areas where these things could  
17 have caused a fire; a short arcing, things of this  
18 nature.

19 Q. So you hypothesize that one of these sets  
20 of circumstances must have existed to cause the fire?

21 A. There's no other item that I see inside  
22 that engine compartment that would have been a  
23 credible ignition source other than this arcing that  
24 I see in the power distribution box.

25 Q. Okay. As I understand it, you've mentioned  
0095

1 three different types of defects that might have  
2 existed. For instance, a loose crimp.

3 A. Yes.

4 Q. Did you actually see a loose crimp?

5 A. Not on the particular item that I looked at  
6 where the arcing occurred. But I'm saying that that  
7 is a definite possibility of items that could cause a  
8 fire in this area.

9 Q. You also said, I believe, that one possible  
10 defect was an improperly connected wire.

11 A. Yes.

12 Q. Did you see physical evidence of an  
13 improperly connected wire within the power  
14 distribution box?

15 A. Well, if you term the -- if you define an  
16 "improperly connected wire" as an arcing, then, yes,  
17 I do see evidence from the arcing. But the power  
18 distribution box itself has been consumed by the fire  
19 so I cannot look at it in its pristine condition, as  
20 I said before, to determine one item out of those  
21 that would be the cause. I can only give you a  
22 number of things that would be probable or most  
23 likely the cause of the fire.

24 Q. But you didn't see any physical evidence of  
25 any of those three things? It's something that you

0096

1 postulate from the fact that the fire occurred and  
2 that there is an arc in a wire as shown in Photograph  
3 Number 16?

4 A. No. I mean, I've seen this happen before  
5 on other vehicles where you get a wire that's a loose  
6 connection that produces resistive heating. That's  
7 well recognized in NFPA. The fact that we have  
8 arcing in that area in that might power distribution  
9 box combined with the patterns and other items tell  
10 me that the fire originated in that area.

11 Now, of those items in that power  
12 distribution box, there has to be a defect that has  
13 caused the fire. It's not a normal condition that a

14 fire occurs in the power distribution box.  
15 Q. Well, let me put it to you this way: You  
16 say there has to be a defect because your theory of  
17 how the fire started is consistent with the existence  
18 of such a defect, correct?

19 A. I'm saying this, that all the other factors  
20 combined indicate to me most likely there was a  
21 defect in the power distribution box. I don't see  
22 any cause -- incendiary cause of fire. I don't see  
23 any cause of some maintenance that's been done on the  
24 vehicle, say, that has caused the fire. I don't see  
25 a problem with a replacement of a fuse that may have

0097

1 caused the fire. None of these items that would be  
2 related to the cause of the fire do I see. What I do  
3 see is a defect, not being able to eliminate that  
4 from the items that I mentioned to you before as a  
5 cause of the fire.

6 Q. So are you able to tell me with some sort  
7 of certainty that nobody had ever opened up the power  
8 distribution box and done any sort of maintenance in  
9 there?

10 A. Yes. From the information I have both from  
11 the maintenance records and the testimony by  
12 [REDACTED] there's been nobody that's -- has opened  
13 up that power distribution box to replace a fuse or  
14 do anything else.

15 Q. Unless, of course, the maintenance records  
16 are incomplete or unless, of course, [REDACTED] has  
17 forgotten something?

18 A. We have to go on what the facts are that we  
19 know this case to be. And there's been a lot of  
20 testimony in this case, and I don't see any evidence  
21 that's been presented to me that somebody has done  
22 something to that power distribution box from its  
23 original condition that is furnished to [REDACTED]

24 Q. But you haven't shown us any physical  
25 evidence of the existence of a loose -- an improperly

0098

1 connected wire or a loose crimp or a crack in the  
2 power distribution box?

3 A. Yes, I have. I've shown you the arcing,  
4 and when combined with the pattern analysis, the fire  
5 originated in the power distribution box.

6 Q. If somebody had reached into the power  
7 distribution box and loosened a wire --

8 A. How would they do that? The wires are on  
9 the bottom side. How do you loosen a wire that you  
10 can't get access to?

11 Q. You're saying that the wires are -- all the  
12 wires in the power distribution box are inaccessible?

13 A. No. It's not as easy as you propose. You  
14 can't just open the box top and loosen a wire in  
15 there. It's more difficult than that.

16 Q. So am I correct in interpreting your  
17 opinion that if an arc occurred, which you've  
18 purportedly documented, there ergo, must have been a

19 defect in the power distribution box?  
20 A. That is the only thing I haven't been able  
21 to eliminate, is the fact that we have a defect in  
22 this power distribution box and it has caused this  
23 arcing.

24 MR. WYRICK: Thank you.

25 EXAMINATION

0099

1 BY MR. SWINNEN:

2 Q. Mr. Wade, my name is James Swinnen, and I  
3 represent Ford Motor Company. First of all, I want  
4 to go back to some of your earlier testimony and in  
5 your report. One of the things you found early on --  
6 and this is the first complete paragraph on the  
7 second page of your report -- that you found early on  
8 in your inspection of this vehicle was the -- I think  
9 it was the cellar power boost antenna module for the  
10 telephone?

11 A. Yes.

12 Q. Did you trace those wires completely?

13 A. Yes. They went back to the fuse panel in  
14 the passenger side.

15 Q. Is that the only source of power for an  
16 installed cell phone?

17 A. Passenger compartment. I'm sorry.

18 Is that the only source of power?

19 Q. Yes. In other words, when that's  
20 installed, is that the only power that it's taking  
21 from the vehicle?

22 A. I don't follow your question.

23 Q. Well, what I'm seeing here is an antenna.  
24 If I have a cell phone, is the antenna part of the  
25 whole package, or is there also a power line

0100

1 somewhere in that car that powers the phone itself?

2 A. Oh, usually it's -- for Nokia it's just  
3 your cigarette lighter. You just plug in there with  
4 a charger.

5 Q. So you think that this antenna was not part  
6 of a complete installed cell phone system like the  
7 ones that you remember years ago when you'd have a  
8 cell phone installed in your car? You couldn't take  
9 it out of your car. You could only use it in your  
10 car.

11 A. Well, it had plug-ins to the fuse panel, I  
12 suppose. I guess you could take it out if you wanted  
13 to, but I don't know who installed it. The point was  
14 that I didn't see anything wrong with the -- if  
15 you'll look at my photographs, I mean, the plastic is  
16 still intact on the power antenna and such as that.

17 Q. You just didn't see anything else for the  
18 rest of the telephone?

19 A. You mean the actual telephone itself?

20 Q. Yes, sir.

21 A. I don't know if it was there or not. I  
22 can't remember now. It may not have been.

23 Q. In response to questions a few minutes ago,

24 you kept talking about the arcing that you saw on the  
25 wire. I'm a little bit confused here because you

0101

1 talked about arc beading at a terminal connector and  
2 you had also talked about fusing of electrical wires  
3 earlier. Which one of these is the evidence that  
4 you're talking about of the defect in the power  
5 distribution block?

6 A. It's the terminal connector such that I'm  
7 talking about.

8 Q. And is that terminal connector inside the  
9 box, outside the box?

10 A. I can't answer that completely because we  
11 didn't trace it back. That would have required  
12 destructive disassembly of it.

13 Q. Would you agree with the statement,  
14 Mr. Wade, that evidence of fusing is not always  
15 evidence of electrical fire origin?

16 A. It is -- according to the NFPA, it is a way  
17 to locate the origin of a fire.

18 Q. But it's not conclusive?

19 A. Not conclusive.

20 Q. And the same thing would be true for  
21 beading, correct?

22 A. True. Just because you have a bead, does  
23 not necessarily mean that you have the cause of the  
24 fire; however, you have to consider other ignition  
25 sources within the area of origin to determine that.

0102

1 Q. So you can get arcing because of  
2 degradation from an external source of the  
3 insulation?

4 A. I had mentioned that before, but you have  
5 to consider other factors than just that.

6 Q. Is the only information you have about the  
7 maintenance history on this vehicle is what was  
8 provided by [REDACTED] in his deposition?

9 A. No. Mr. Green sent me a printout that had  
10 been performed on the vehicle. And I listed that as  
11 part of these notes of the dates and the mileage of  
12 what had been done. I believe this was done at the  
13 Ford dealership, because it had the -- you know,  
14 there was some problems with the door lock. There  
15 was a problem with the engine oil, the regulator arm  
16 bushing, oil change, things of this nature, noise in  
17 the 4-by-4. That's about all.

18 Q. And you were assuming that there was no  
19 work of any nature done by anybody else other than  
20 the Ford dealer?

21 A. That's all I'm aware of. Now, he may have  
22 had an oil change somewhere else, but that's all I'm  
23 aware of.

24 Q. And you're also assuming that none of that  
25 work involved any body accessing, moving or doing

0103

1 anything to the power distribution block?

2 A. I don't have any record that something's

3 been done to that. I mean, what was shown to be  
4 placed anything electrical was far away from the  
5 power distribution box.

6 Q. When you inspected the vehicle in July of  
7 2002, did you check to see if there was any alloying  
8 of the wires in the area of the power distribution  
9 box?

10 A. Yes. I looked at that and did not see  
11 any. There wasn't any that I recognized in that  
12 area.

13 Q. Did you remove any materials or any  
14 components from the vehicle for further inspection or  
15 testing?

16 A. No.

17 Q. Given at least three possibilities of what  
18 might have caused the fire in the power distribution  
19 box that you talked about a little while ago, is it  
20 your opinion and contention that these things could  
21 remain latent for 98,000 miles of use before  
22 generating heat?

23 A. Yes, certainly that can occur.

24 Q. Do you know for a fact whether the fender  
25 liner in the Bronco was made out of plastic as  
0104 opposed to metal?

26 A. All I can tell you is I've got a number of  
27 Fords myself, and it's an elastomeric material across  
28 that fender. If it had been metal, surely we would  
29 have seen something remaining of that.

30 Q. Have you ever burned a vehicle  
31 deliberately, Mr. Wade?

32 A. Yes.

33 Q. How many times?

34 A. Oh, I'd say probably three times that I've  
35 witnessed it. Two of the times were at this course  
36 that I just recently took. I think there was another  
37 time that we actually burned a vehicle to look at the  
38 patterns and such on the vehicle.

39 Q. Was that to determine fire starting in the  
40 engine compartment or some other part of the vehicle?

41 A. Yeah, one of them was the engine  
42 compartment. We saw the differences, say, if they  
43 started in the passenger compartment versus engine  
44 compartment. And in some cases -- I think there was  
45 one that we actually had set it in one part of the  
46 engine compartment to see what the pattern on the  
47 hood was, that type of issue.

48 Q. What type of hood did it have?

49 A. In that case, it was a metal hood. I think  
0105 it was a Nissan vehicle or something that had burnt.

50 Q. In that particular case -- scratch that.  
51 Did you generate an inspection diagram  
52 when you inspected the vehicle?

53 A. No, I didn't do it to that extent. I did  
54 list, as I said, my notes, and then I described from  
55 the photographs what I had seen in the report



8 itself. What I try to do is document the photograph  
9 of the vehicle from an exterior point from worse to  
10 primary damage, as you would normally do.

11 Q. And I know this may be covering some  
12 territory you just covered a few minutes ago, but as  
13 we sit here today, are you able to propose or are you  
14 aware of any alternative design for the power  
15 distribution block that would have prevented this  
16 fire?

17 A. No, I haven't looked at the mold diagram  
18 for the power distribution box. There may be an  
19 issue of -- a mold defect from the design aspect.  
20 But other than that, as far as a crack that could  
21 initiate in the power distribution box, I haven't  
22 looked at that aspect. I can't think of anything  
23 offhand other than that.

24 Q. And other than proposing possible, I guess,  
25 manufacturing problems, you cannot tell us for

0106

1 certain how or if this particular power distribution  
2 block deviated from the specifications for it, can  
3 you?

4 A. Not in the condition it's in. I only know  
5 that there is a defect in this -- that was original  
6 that caused this fire.

7 MR. SWINNEN: I don't have any other  
8 questions. Thank you.

9 MR. WYRICK: I just have a couple.

10 FURTHER EXAMINATION

11 BY MR. WYRICK:

12 Q. Looking at Photograph Number 16 again in  
13 your report, am I correct that your pen is pointing  
14 at the electric arc beading that you found at the  
15 location of a crimp? Is there a crimp there?

16 A. No. No. What I'm saying in the defect  
17 aspect of it, it generates heat which can result in  
18 an arc there.

19 Q. No, I understand that. What I'm asking is  
20 actually a very basic question.

21 A. Oh, I see.

22 Q. Is that a photograph of a crimp?

23 A. Yes, it is, in a sense. It's not the crimp  
24 of the wire itself, but it is a crimp of a connector  
25 blade. And that can also do the same -- if the crimp

0107

1 is bad, it can cause resistive heat.

2 Q. And I think I understood your testimony  
3 earlier to say that you couldn't be sure whether that  
4 crimp -- this particular location documented in this  
5 photograph was inside or outside of the power  
6 distribution box; is that right?

7 A. Well, most likely it's on the inside  
8 because it was with all the wires that were in the  
9 area of the power distribution box. I don't see any  
10 other place that it could have gone. It went back  
11 into the wiring harness where the same wires were  
12 connectors. So from that standpoint, most likely it

13 is associated with it.  
 14 Q. But you can't say that for sure?  
 15 A. Again, if we -- if we went back and traced  
 16 it and disassembled things, we might could ascertain  
 17 that. All I'm saying is most likely it is.  
 18 Q. You mentioned when we started your  
 19 deposition a case that you were involved in, in which  
 20 you had eliminated a motor vehicle as a possible  
 21 cause of a fire, I think, in a plant or in a garage.  
 22 A. Killeen Boat & Motor, yeah.  
 23 Q. Was that -- how did you go about  
 24 eliminating the vehicle as a cause in that particular  
 25 fire?

0108

1 A. Well, one thing, it wasn't in the area of  
 2 origin. I just looked at it cursorily. From the  
 3 standpoint, you know, just looking at it, it was near  
 4 the area of origin, but it wasn't. So theoretically  
 5 I didn't have to look at it, but we had some time  
 6 that day and I went ahead and looked at it and didn't  
 7 find anything that would indicate an ignition source  
 8 from that vehicle.

9 Q. So you were actually at the scene?

10 A. Yes, in that case I was.

11 Q. And the vehicle was still wherever it was?

12 A. I think they had drug it out of the plant  
 13 itself, or the back part of it.

14 Q. And despite the fact that it wasn't in the  
 15 area of origin, you had enough time to consider it  
 16 and rule it out?

17 A. Correct. There was a lot of gasoline from  
 18 the boats themselves that they had in the showroom  
 19 area and things of that nature, and we looked at that  
 20 aspect of it anyway.

21 MR. WYRICK: Okay. That's all. Thank  
 22 you.

23 (Deposition proceedings concluded at  
 24 2:25 p.m.)

25

0109

1	CORRECTIONS AND SIGNATURE		
2	PAGE/LINE	CHANGE	REASON
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0110

1 I, [REDACTED] P.E., have read the foregoing  
deposition, and hereby affix my signature that same  
2 is true and correct, except as noted above.  
3

4 [REDACTED]  
5 THE STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_  
6 Before me, \_\_\_\_\_ on this day personally  
appeared [REDACTED] known to me (or proved to  
7 me under oath or through \_\_\_\_\_)  
(description of identity card or other document) to  
8 be the person whose name is subscribed to the  
foregoing instrument and acknowledged to me that they  
9 executed the same for the purposes and consideration  
therein expressed.

10

Given under my hand and seal of office this \_\_\_\_\_  
11 day of \_\_\_\_\_, A.D., \_\_\_\_\_.

12

13 NOTARY PUBLIC IN AND FOR  
THE STATE OF \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

14

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0111

1 STATE OF TEXAS )  
2 )  
COUNTY OF DALLAS)

3

4 I, LAURIE PURDY, a Certified Shorthand  
5 Reporter duly commissioned and qualified in and for  
6 the State of Texas, do hereby certify that there came  
7 before me on the 8th day of December, 2004 in the  
8 offices of MetLife Auto & Home, located at 5303  
9 Commerce Drive, Suite 500, in the City of Irving,  
10 State of Texas, the following named person, to-wit:  
11 [REDACTED], who was duly sworn to testify the

12 truth, the whole truth, and nothing but the truth of  
13 knowledge touching and concerning the matters in  
14 controversy in this cause; and that he was thereupon  
15 examined upon his oath and his examination reduced to  
16 typewriting under my supervision; that the deposition  
17 is a true record of the testimony given by the  
18 witness, and signature of witness is to be before any  
19 notary public.

20 I further certify that I am neither  
21 attorney or counsel for, nor related to or employed  
22 by any of the parties to the action in which this  
23 deposition is taken, and further that I am not a  
24 relative or employee of any attorney or counsel  
25 employed by the parties hereto, or financially

0112

1 interested in the action.

2 GIVEN UNDER MY HAND on this \_\_\_\_\_ day of  
3 \_\_\_\_\_, 2004.  
4  
5  
6  
7

LAURIE PURDY, CSR 5933  
Certification Expires: 12-31-06  
INNOVATIVE LEGAL SOLUTIONS, INC.  
440 Louisiana, Suite 490  
Houston, Texas 77002  
(713) 658-0802  
Firm ID Number: 370

11  
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15 Charge for transcript and exhibits: \$ \_\_\_\_\_  
16 To be paid by Mr. William Wyrick/Defendant Alcoa  
Fujikura, Ltd.  
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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

\*\*\*\*\*

VERSUS

CIVIL ACTION NO. CV03-0782M  
JUDGE JAMES  
MAGISTRATE JUDGE KIRK

FORD MOTOR COMPANY, ET AL,  
DEFENDANT

\*\*\*\*\*

DEPOSITION OF

GREGORY MARK THOMPSON

December 7, 2004

\*\*\*\*\*

At Law Offices Of:

McGlinchey Stafford  
1811 Tower Drive, Suite A  
Monroe, Louisiana 71201

\*\*\*\*\*

Reported By:

WANDA J. EADY  
CERTIFIED COURT REPORTER  
CERTIFICATE NO. 87255  
PARISH OF OUACHITA  
STATE OF LOUISIANA

APPEARANCES:

FOR FORD MOTOR COMPANY:

McGLINCHEY STAFFORD

1811 Tower Drive, Suite A

Monroe, Louisiana 71201

appearing herein by and through

Ms. Deirdre C. McGlinchey

FOR METLIFE AND

Boylavard

NEW ORLEANS, Louisiana

appearing herein by and through

VIA

TELEPHONE:

FOR LTD.:

LEBOEUF, LAMB, GREENE & MCCRACKEN

One Gateway Center, Suite 1800

120 East Duquesne Boulevard

Pittsburgh, Pennsylvania 15222

appearing herein by and through

Mr. William J. Wyrick

Page 2

Page 4

reporter here, she's taking down everything that we say. If you'll make sure to verbalize your answers instead of nodding, that will make her job a lot easier. If you would also wait until I finish asking my question before you answer, that will make the record clearer, and I'll try to do the same and wait until you finish answering my question before I ask the next one. If at any time you don't understand me or want me to simply repeat or rephrase the question, please just stop me, tell me and I'll be happy to do that. Also, if you need a break at any time, just let me know. Okay?

WITNESS: (Affirmative nod.)

EXAMINATION BY MS. McGLINCHEY:

Q What is your full name, please?

A

Q Okay. And what is your address?

A 502 Lakeshore Drive, Monroe, Louisiana 71203.

Q And is that your residence?

A That's residence.

Q And how long have you lived in Monroe?

A Twenty some-odd years.

Q Where are you currently employed?

A I work for the Ouachita Parish Fire Department.

Page 3

Page 5

STIPULATIONS

It is stipulated and agreed among counsel that this deposition is taken pursuant to Notice by counsel for Ford Motor Company, and may be used for all purposes permitted by the Federal Rules of Civil Procedure. All objections except as to the form of the question and responsiveness of the answer are reserved until such time as the deposition is offered and introduced into evidence.

\*\*\*\*\*

The witness, GREGORY MARK THOMPSON, was advised of his right to read and sign this deposition, and he elected to exercise that right.

\*\*\*\*\*

being first duly sworn, testified as follows:

MS. McGLINCHEY: Mr. Thompson, my name is Deirdre McGlinchey, and I'm here on behalf of Ford Motor Company today to ask you some questions in a lawsuit that has been filed against it by. Have you given a deposition before?

WITNESS: Sure.

MS. McGLINCHEY: Okay. Well, I'll briefly go through the ground rules, then. The court

Q And how long have you worked for the fire department here in Ouachita Parish?

A I'm in my eighteenth year.

Q Okay. And briefly, sir, would you tell me your educational background? Where did you graduate from high school?

A I graduated high school from Ouachita Parish High School in 1976. I've got some college hours. I don't have a degree at this point.

Q Okay. Do you know how many college hours you have?

A I'm going to guess at somewhere around thirty.

Q And where did you attend college for those hours?

A Most of the hours come from the LSU-Bunice branch in the fire science division, and some of the other hours come from various schools, National Fire Academy, et cetera.

Q Okay. I want to get through any other type of training you have. But the thirty some-odd hours that you attended at the LSU-Bunice campus, were any of those hours in fire science?

A Right. Most of the hours that I have relate to fire science and the investigation end.

Q Okay. Did you ever complete any course, any particular course in fire science or investigation or a related field at LSU-Bunice?

A Yes. Their basic fire investigator's course. Most

Page 6

1 of the courses they give are varying subjects in fire  
 2 disciplines that lead to the degree.  
 3 Q But you didn't actually obtain a college degree.  
 4 Is that correct?  
 5 A No.  
 6 Q What did you do after you left LSU-Eunice?  
 7 A LSU-Eunice actually are courses I have taken while  
 8 I've been in the employ of the Ouachita Parish Fire  
 9 Department.  
 10 Q When did you first start working for the Ouachita  
 11 Parish Fire Department?  
 12 A In 1987.  
 13 Q Okay. What did you do between '76 and '87?  
 14 A '76 to '87, I worked in a variety of jobs. Was  
 15 employed by a land survey company for a few years. Worked  
 16 offshore in the oilfield for five or six years. I had a  
 17 paint contracting business for a great number of years.  
 18 Q Okay. And then, at some point, you decided to have  
 19 a career change and head to the fire department?  
 20 A Right.  
 21 Q Okay. Before you joined or simultaneously with  
 22 joining the fire department, did you have to undergo any  
 23 particular training?  
 24 A When you join the fire department, you always go  
 25 through a basic fire academy that consists of--back at that

Page 7

1 time, I believe it was twelve weeks of instruction.  
 2 Q And where did that instruction take place?  
 3 A Here in Ouachita Parish in Monroe.  
 4 Q Who put on that--  
 5 A The training divisions for--actually, it was two  
 6 different fire departments, Monroe Fire and Ouachita Fire,  
 7 because they'll run a lot of academies cooperatively many  
 8 times.  
 9 Q Okay. And did you complete that twelve-week  
 10 course?  
 11 A Yes.  
 12 Q What were the nature of the courses that you took  
 13 in those twelve weeks?  
 14 A When you go through your basic fire academy, you  
 15 have to learn the basics of what being a firefighter is  
 16 about. Extinguishment principals, fluid dynamics of pumping,  
 17 hoses, all the appliances that go on a fire truck.  
 18 Q Besides the basic firefighting techniques, was any  
 19 portion of that twelve week of instruction dedicated to cause  
 20 and origin?  
 21 A A very small part.  
 22 Q Are you able to estimate how much of that twelve  
 23 weeks?  
 24 A I would guess probably one day in that.  
 25 Q Okay. And is cause and origin part of the fire

Page 8

1 investigation topic or area, or was there a separate  
 2 instruction on investigation and a different one on cause and  
 3 origin?  
 4 A I think when you go through the academy it's  
 5 basically an awareness. It's more an evidence preservation  
 6 for the investigators than anything else.  
 7 Q Besides the twelve weeks of instruction, what other  
 8 type of training did you receive or undergo since you've been  
 9 at the fire department?  
 10 A In--regarding fire investigation?  
 11 Q Yes. Fire investigation, in particular.  
 12 A I've gone through numerous courses on fire  
 13 investigation from basic forty-hour courses to several  
 14 advanced eighty-hour courses. I can name some, if you need  
 15 me to.  
 16 Q Please.  
 17 A Let's see. Just fire investigation is a forty-hour  
 18 course given by Louisiana State Fireman Training. I went  
 19 through a forty-hour one. The very first one I took in 1992,  
 20 I believe. Since that time, I took another forty-hour course  
 21 at the time, whatever the campus is for--I think it's Alabama  
 22 State Fire College. It's in Tuscaloosa, Alabama. Taken  
 23 several thirty-hour-type courses given by the Mississippi  
 24 Fire Investigator's Association on different topics. They  
 25 have a spring and a fall seminar every year that relates

Page 9

1 generally to one specific topic. For instance, vehicle fire  
 2 investigation, and you go down and take some good training  
 3 from them. I've been to the National Fire Academy in  
 4 Emmitsburg, Maryland, on a number of occasions. Those are  
 5 eighty-hour courses, very intensive. Upper and lower  
 6 baccalaureate degree rated programs; an arson investigation  
 7 course they have there; courtroom testimony; management of  
 8 fire prevention programs; management of forest in prevention  
 9 and control. Maybe a couple more.  
 10 Q You mentioned vehicle fire investigation. Can you  
 11 tell me what part or what portion, if you can estimate it, of  
 12 your training has involved vehicle fire investigation in  
 13 particular?  
 14 A I probably couldn't name the hours. It would be  
 15 kind of hard to do that. But the one I mentioned, the  
 16 Mississippi Fire Investigator's course on vehicle fire  
 17 investigation, and parts and pieces in other courses. I  
 18 think that, as with many jobs, most of--or a lot of what you  
 19 learn about fire investigation, even when it comes to vehicle  
 20 fires, is a matter of experience from looking at a--  
 21 Q On-the-job-type of training?  
 22 A Right.  
 23 Q Okay. The Mississippi Fire Investigation course,  
 24 who sponsored that?  
 25 A The Mississippi Fire Investigator's Association

Page 10

1 sponsors that. Every year, they have a fall and a spring  
2 course that's very good material.

3 Q Okay. Do you recall who happened to put on the  
4 seminar regarding vehicle fire investigation that you  
5 attended?

6 A It was-- I can't remember the guy's name. He was  
7 from New Jersey. It was very good.

8 Q Was he a fireman himself, or was he an outside  
9 person they brought in?

10 A No. Matter of fact, he had a scientific  
11 background.

12 Q Have you obtained any special certification or  
13 degree, if there is one, in vehicle fire investigation?

14 A No. You know, and I don't know that there's any  
15 specialty that relates directly to that other than maybe  
16 electronics.

17 Q Have you received any other type of training in  
18 fire investigation that we haven't talked about already?

19 A Probably little bits and pieces. I don't have my  
20 resume in front of me, so I don't have it all listed.

21 Q Do you have a resume?

22 A I do. Be glad to send you one if you need it.

23 Q I would appreciate that, thanks, just so that we  
24 have it for the record. Have you ever testified in court as  
25 an expert?

Page 11

1 A Yes, I have.

2 Q Okay. In what field have you been qualified as an  
3 expert?

4 A I have been qualified as an expert in fire cause  
5 and origin and in recognition of fire hazards.

6 Q Are you able to estimate for me how many times  
7 you've testified in court as an expert in fire cause and  
8 origin?

9 A I believe it's four times, if I'm not mistaken.

10 Q What about as an expert in recognition of fire  
11 hazards?

12 A That was in one particular case.

13 Q Okay. The four times that you've testified as an  
14 expert in fire cause and origin, in what court have you  
15 testified?

16 A I think all but one time was here in Fourth  
17 Judicial District, and I testified on the second topic in the  
18 Third Judicial District.

19 Q On fire hazards in the Third JDC?

20 A Uh-huh (yes).

21 Q Okay. Do you recall each of those cases and what  
22 the nature of the case was for?

23 A I can-- Thinking off the top of my head, I can  
24 remember two of them for sure. And the one on the--

25 Q Would you tell me what you recall about those

Page 12

1 cases, please?

2 A One case was on a stove top fire that happened in  
3 an apartment complex, and I'm not remembering. It was  
4 somewhere southside of town.

5 Q Do you remember what attorneys were involved?

6 A Off the top of my head, I can't remember right now.  
7 It's been a while.

8 Q Okay. What about the other cases?

9 A There was a case that was an arson case that  
10 involved the King Street Apartments, and I believe--well, the  
11 state's attorney was Stephens Winters.

12 Q The now judge?

13 A Right.

14 Q Okay.

15 A And I believe it was Carl Sharp was the judge. And  
16 then, the case I can remember in Third Judicial District was  
17 up in Farmerville and it was about a travel home fire that  
18 had occurred secondary to a heating unit, the generator in  
19 the travel home. And I know the owner of the motor home was  
20 Joseph Cusimano, and one of the attorneys out of  
21 Davenport's--

22 Q Davenport, Files & Kelly?

23 A Right. --was on the side of State Farm, I do  
24 believe, maybe on this one. And that's all I can remember  
25 right now.

Page 13

1 Q Have you ever been qualified as an expert in  
2 vehicle fire investigation?

3 A No.

4 Q Has any court ever refused to qualify you as an  
5 expert in vehicle fire investigation?

6 A No.

7 Q Has any court ever refused to qualify you as an  
8 expert in fire cause and origin?

9 A No.

10 Q But you've never been tendered or--no one has ever  
11 attempted to qualify you as an expert in vehicle fire  
12 investigation?

13 A No.

14 Q That's correct?

15 A That is correct.

16 Q Are there some continuing education or training  
17 requirements that you have at the fire department?

18 A There are. To be a fire investigator in the state  
19 of Louisiana, really all you have to have is your basic  
20 forty-hour course. They have two divisions. They call one  
21 fire investigator, and they call the other arson  
22 investigator. I'm not quite sure. I guess it's to delineate  
23 the difference in the two. With the fire investigator, you  
24 have to have the forty-hour course, and then you have to  
25 maintain forty hours of continuing education every two years

Page 10 - Page 13

EAS-005-LC-0004



Page 14

1 with-plus, be commissioned by your department-by the chief  
2 of your department to do fire investigations for your  
3 jurisdiction. For arson investigation, you need the same  
4 qualifications from the fire investigator, but you also must  
5 be police certified and go through a post-course, which I did  
6 in 1994, that relates to giving you arson arrest powers for  
7 statute arson crimes.

8 Q Okay. So are you qualified with the state of  
9 Louisiana as a fire investigator?

10 A Yes.

11 Q Are you qualified with the state of Louisiana as an  
12 arson investigator, as well?

13 A Yes.

14 Q And have you been commissioned by the chief for the  
15 Ouachita Parish Fire Department as a fire investigator?

16 A Yes.

17 Q And the same thing for an arson investigator?

18 A Right.

19 Q Would you take me through your job title, if that's  
20 changed, over the years while you've been at the fire  
21 department here in Ouachita Parish?

22 A From the time I started, what my titles were?

23 Q Please.

24 A Started in 1987, entry-level firefighter. We had a  
25 rapidly expanding department at that time. We only had four

Page 15

1 fire stations and about forty personnel. Now, we have  
2 fourteen fire stations and about a hundred and seventy  
3 personnel, so grew really quickly. I was hired in the first  
4 hiring that was done, so it gave the folks hired in that  
5 first hiring a pretty good opportunity where you don't fail  
6 competitive exams and promotional exams that you had a chance  
7 to rise pretty quickly.

8 Q Move up?

9 A I became a fire driver, in other words, could drive  
10 the truck and operate the pump in a firefighting capacity at  
11 six months or so. At eight months, I was an acting captain.  
12 And all these things came with passing of promotional exams.  
13 You had to have a minimum score and have seniority to get the  
14 job, basically. In '92, the chief--then chief of our  
15 department, Don Nugent, wanted to create a fire prevention  
16 division. Put a test out, and it was a competitive exam.  
17 And I passed the exam and he asked me to take the job, so  
18 I've had the title of fire prevention officer since that  
19 time.

20 Q You're not an electrical engineer, are you?

21 A No.

22 Q You're not an electrician, are you?

23 A No, I'm not.

24 Q Do you have any particular experience with  
25 electrical fires?

Page 16

1 A In the basics of what causes electrical fires, yes.

2 Q And the basics, are those--were you taught the  
3 basics in the courses that you described earlier to us?

4 A Yes.

5 Q What is your date of birth?

6 A November 7, 1957.

7 Q Did you do anything to prepare for your deposition  
8 today?

9 A I went over the Incident Report, the same report  
10 that I heard you refer to earlier.

11 Q Okay. Did you speak with anyone in preparation for  
12 your deposition?

13 A I did not.

14 Q I see that you brought some materials with you  
15 today?

16 A This is just the file from the letters that y'all  
17 have sent me. Other than that, I have the same report that  
18 y'all have.

19 Q Okay. And I was going to ask you a little bit  
20 about how these materials are kept at the fire department.

21 When you go out to do a fire investigation, do you keep a  
22 notepad of your notes, and then turn that into the report, or  
23 what materials do you keep and how does it eventually turn  
24 into this typed-up report we have before us?

25 A Well, the report you see that you're looking at and

Page 17

1 referred to, the seven-page report you talked about before,  
2 is an Incident Report. It's--many times, it's actually a  
3 LFR's report, a Louisiana Fire Incident Report, a system  
4 report. The whole purpose of the Incident Report is to,  
5 number one, show that a fire occurred, where it occurred, the  
6 units that went, the times that the trucks left, got there,  
7 the personnel that were there. And then, it goes through a  
8 variety of fields, asking different questions as to where the  
9 fire started, how it started, contributors--factors  
10 contributing to the fire starting, the area of origin, so on  
11 and so forth. Each and all those fields in the Louisiana  
12 Fire Incident Reports are made to, as I said, first off, show  
13 that there was a fire and that somebody could come and get  
14 and hold and say, "We had a fire at our house," and show the  
15 insurance company or whoever they want to, "This is a record  
16 showing that we did, indeed, have a fire incident at our  
17 house," or wherever. And secondly, all the fields that are  
18 reported in there, besides giving the information to anybody  
19 that's looking at it and reading through it making a  
20 determination of what might have happened there, is to--as  
21 much as for anything else, to compile stats, not only for our  
22 department, but for the state of Louisiana and for the United  
23 States, as a whole, because all these reports are turned in  
24 to the state on a quarterly basis and the state enters them  
25 in the database--or enters the statistical relevance in the

Page 18

1 database. And then, the national level gets it from the  
2 state along the same manner to compile national stats. So  
3 the point I'm getting at more than anything else is this is  
4 really not an investigative report, but it is an Incident  
5 Report that relates very basics about the incident that  
6 occurred.

7 Q Okay. Is there a separate investigation report for  
8 this fire?

9 A There is not. I do not open investigative files on  
10 any fires that I deem accidental. I have a criteria that I  
11 follow as to when I'm dispatched to fires and, unless the  
12 fire makes a suspicious or arson cause, I don't make a  
13 report. I only continue my investigation on, if there is--  
14 you know, if I need to look into a suspicious cause.

15 Q And why is it that you didn't open an investigative  
16 file here? Is it because you didn't deem this to be a case  
17 of arson?

18 A I did not deem it to be an arson.

19 Q Okay. Let's talk about this March 13, 2002, fire  
20 and the report we have in front of us. What did you use in  
21 order to prepare this report? Did you keep any notes or--

22 A I did not.

23 Q Did you make any notes?

24 A I did not. What I did was, when I go to the scene  
25 and look at a scene and it ends up being an accidental or I

Page 19

1 deem it to be accidental at that time, I will walk up to the  
2 captain that is the jurisdictional captain for that area--in  
3 other words, for that district, and usually the first-in fire  
4 truck for that particular scene--and tell him, "This is what  
5 I found," or "This is my opinion," and ask him to convey that  
6 into his report. And he writes information down on a form  
7 that's called an Information For All Fires form. And from  
8 that form, when he gets back to the fire station, he calls  
9 our dispatch center, and our dispatchers take the information  
10 directly from that form, and they also--he faxes that form to  
11 them and they file that form. And then,--

12 Q Where do they file it? Just in-house?

13 A In an office. Yeah, in-house. And then, they make  
14 sure that all the information is entered into their database  
15 because, as soon as that truck is dispatched on a fire, the  
16 first truck is dispatched, it's going to generate this  
17 Incident Report. The Incident Report has to be finished out  
18 using the information off that incident--For All Fires form.

19 Q Okay. So the Information For All Fires form is a  
20 document which was used, at least in part, to formulate--

21 A Right.

22 Q --the Incident Report form that we have in front of  
23 us today?

24 A Right.

25 Q What else went into that process?

Page 20

1 A Really, that's about it, besides the computer-  
2 generated times, any other narrative items that the  
3 dispatchers when they make the report may have put in.

4 Q Okay. What was your involvement in preparing this  
5 report?

6 A Actually, none, other than as I stated earlier,  
7 telling the captain on scene what I believed the origin of  
8 the fire--and I think in this case wasn't sure of a cause.  
9 Well, matter of fact, I'm sure I wasn't sure of a cause. The  
10 origin of the fire was, which was fairly obvious to everybody  
11 there anyway, and then he would have entered that information  
12 onto his Information For All Fires form which was then called  
13 into the dispatcher who added that information to this report  
14 that you see before you.

15 Q So I just want to make sure that I'm clear on this.  
16 Your involvement regarding the Incident Report that we have  
17 from the Ouachita Parish Fire Department before us today was  
18 to supply the origin of the fire?

19 A Right. And a cause, if possible.

20 Q Okay. And with respect to cause, you said you were  
21 not sure of the cause. Is that correct?

22 A Correct.

23 Q And that is information from you that was inputted  
24 into this report?

25 A Right.

Page 21

1 Q Okay. Is that Information For All Fires form  
2 maintained anywhere in the fire department records?

3 A Uh-huh (yes).

4 Q How would we get that? Where is it?

5 A I can get it for you.

6 Q Okay. Would you do that? I would appreciate that.

7 A Sure.

8 Q Okay. I'd like to go through the report, then.  
9 I'll give you a minute to write that down.

10 A Go ahead.

11 Q Okay. Does anyone have to sign off on this report?

12 A No.

13 Q This is, then, purely printed out of a database?

14 A Uh-huh (yes).

15 Q And who--well, let's go through it at the top.  
16 Start with Field A.

17 A Okay.

18 Q What information does that provide us about the  
19 fire?

20 A You see a number. It's a fire department  
21 identification number. Each department in the state of  
22 Louisiana has one. You see the incident date. Station was  
23 the station whose district was the closest fire station to  
24 the location the fire occurred, which says Station No. 1.

25 Q Okay. What district is that in?

Page 22

1 A It is District 5.  
 2 Q Okay. Where is it located?  
 3 A It's located up in the Town and Country/Swartz  
 4 area.  
 5 Q Do you know who the district chief is—or actually  
 6 was at the time of the fire?  
 7 A According to this,—it's down on Line M. The  
 8 officer in charge there is Leroy Daniels.  
 9 Q Do you know Mr. Daniels?  
 10 A I do.  
 11 Q What does Field B tell us about the fire?  
 12 A It says, "Alternative location" or "Census tract."  
 13 They don't track those, to be honest with you. They just—  
 14 That's always a "no," from what I've seen.  
 15 Q What does that mean, "Alternative location" or  
 16 "Census tract"?  
 17 A I'm not really sure. You know, they have a book  
 18 that shows what all these fields mean. I'm not sure what an  
 19 alternative location—of course, the census tract would be  
 20 self-explanatory, but I really don't know what alternative  
 21 location—  
 22 Q What book would tell us what all these codes mean?  
 23 A It comes from the State of Louisiana, State Fire  
 24 Marshal's Office. I think it's the Louisiana Fire Incident  
 25 Reporting System Handbook, or something such as. And it's

Page 23

1 fairly long because it shows what can go in each field and a  
 2 variety of answers. And, to be honest with you, this report  
 3 is abbreviated. It could be—depending if you open one field  
 4 up, many times it will open up another couple of pages if you  
 5 need to use that information. So it's—  
 6 Q So we may not have the full report? Is that what  
 7 you're saying? There may be subfields within each of these  
 8 fields?  
 9 A No.  
 10 Q Oh.  
 11 A Where this report is concerned, you don't. But if  
 12 you had a report that opened up every subfield or whatever,  
 13 it would be a lengthy report. What I'm trying to get at is  
 14 the manual that describes all the fields is really lengthy  
 15 because there's a lot of fields that could show up should you  
 16 need them.  
 17 Q If a subfield was—if information was inputted into  
 18 a subfield, would that have printed out when this form was  
 19 printed?  
 20 A Yes.  
 21 Q Okay. What else does Field B tell us?  
 22 A It says "Location" and "Emergency." Under  
 23 "Location," it says, "Street address," so that's telling us  
 24 that it did occur on a street.  
 25 Q And where is that?

Page 24

1 A On the street is Finks Hideaway Road, which is in  
 2 the address location just below that. And it says, also, in  
 3 Field B, "Was it an emergency," and the answer was "Yes."  
 4 Q Okay. And Field C simply describes it as a  
 5 building fire. Is that correct?  
 6 A Correct.  
 7 Q And Field D tells us that no aid was given. I  
 8 assume that's aid to any individuals?  
 9 A "Aid given or received" actually refers to other  
 10 departments or outside agencies that may have responded,  
 11 which did not in this case.  
 12 Q Okay. So in this case, Station 1, which is  
 13 District 5, handled the fire themselves?  
 14 A Actually, there was several trucks from that  
 15 district that handled it. There was at least three other  
 16 trucks, and they are listed on the next page if you wanted to  
 17 look at that.  
 18 Q Okay.  
 19 A But I believe there was probably a minimum of a  
 20 rescue truck, three fire trucks, the district chief and  
 21 myself, possibly even a deputy chief. We could get into that  
 22 if we look through that.  
 23 Q We'll get to that. Sure. All right. What's the  
 24 next field? E1, what does that tell us?  
 25 A E has the alarm times, arrival times, the—it has

Page 25

1 the control time. That's blank in this case. And the last  
 2 unit cleared. The alarm time, that was the time—it says  
 3 5:38:10 on 3-13 of '02. That was the time that the 911 call  
 4 was received from the 911 Center. Arrival time shows that  
 5 5:46:32 was the time that Engine 201 would have arrived on  
 6 scene, the first—one of the trucks from Station 1.  
 7 Controlled is the time it should hold if it's filled out as  
 8 the time that the fire itself was controlled. Many times  
 9 that's left blank. I'm not sure always why, but many times  
 10 it is. The last unit cleared is 8:18:43 on the same date,  
 11 and it indicates the time that the last unit, fire unit, left  
 12 the scene that morning.  
 13 Q Okay. Field F, what does that tell us? That the  
 14 fire was extinguished?  
 15 A Right. The action taken. In other words, was it  
 16 an extinguishment? Was it a public service call? What was  
 17 it? Their response was to extinguish.  
 18 Q Okay. And Field G1 tells us how many personnel  
 19 were on the scene, in addition to what apparatus was on the  
 20 scene?  
 21 A Right. And it shows the apparatus, the number of  
 22 personnel, the types of units that were there.  
 23 Q Okay. What does Field G2 tell us?  
 24 A G2 is an estimation of the property's value and the  
 25 losses related to the fire that occurred. Something I should

1 bring across in those values, these are definitely estimates  
 2 and just estimates done by the firefighters.  
 3 Q Based on their on-scene observation?  
 4 A Right. Based on—  
 5 Q The day of the fire?  
 6 A Right.  
 7 Q Okay. They don't come back at a later time—  
 8 A No.  
 9 Q —and reassess or evaluate the property?  
 10 A No. And it's a basic evaluation. And again, this  
 11 is a report and those figures, probably more than anything  
 12 else in this report, are estimations that are only made for  
 13 statistical purpose to give us a save/loss value.  
 14 Q Who made the assessments in this case of the  
 15 property value and loss and content value and loss?  
 16 A I am going to assume that the captain that made the  
 17 report, and I could dig down through the report and tell you,  
 18 made those assessments.  
 19 Q Could you tell me that?  
 20 A I can. Let me get over to page 4. And Engine 101  
 21 on Apparatus Type B. See down there, "Employee: Tony Scalia,  
 22 Captain"? He should have been the one that made this report.  
 23 It's possible that somebody else did, but—or made the  
 24 Information For All Fires form that called this in to the—  
 25 the information that the dispatch center needed to complete

1 this Incident Report.  
 2 Q But typically, it's the—  
 3 A Typically, it's—  
 4 Q —captain who does it?  
 5 A —the first-in fire truck, the captain on the  
 6 first-in truck, which would have in this case should have  
 7 been Tony Scalia who did that.  
 8 Q Okay. And could you tell me what property losses  
 9 and value and content losses and value were identified under  
 10 Field G2?  
 11 A In Field G, it says property losses, thirty-five  
 12 thousand dollars (\$35,000), a property value of five hundred  
 13 thousand dollars (\$500,000). I'm not sure if that includes—  
 14 it should include, but I'm not sure. It doesn't make sense  
 15 to me, in a way, that it would include not only the home  
 16 itself, but the vehicles that were involved in that fire. It  
 17 seems like a low loss to me in that aspect, but—  
 18 Q What about the contents?  
 19 A The contents would have been the contents of the  
 20 home which shows a thirty thousand dollar (\$30,000) loss and  
 21 a value of two hundred and fifty thousand dollars (\$250,000).  
 22 Q Okay. The H field, that indicates that there were  
 23 no deaths or injuries. Correct?  
 24 A Yes.  
 25 Q Okay. What about how the occupants of the home

1 were alerted?  
 2 A This relates, of course, of whether or not there  
 3 were detectors present and whether or not they sounded, and  
 4 obviously they did.  
 5 Q Field I, it says, "Not mixed use." What does that  
 6 mean?  
 7 A "Not mixed use" means it was a single-family  
 8 residence and not a business/residence, something like that.  
 9 Q Okay. And the officer in charge is Leroy Daniels.  
 10 You told us that before. Correct?  
 11 A Right. Leroy Daniels was the district chief on  
 12 that call. What it means when I see that,—let me scroll  
 13 down through here and see. (Peruses document.) Chief  
 14 Daniels is a district chief. He's over that particular  
 15 District 5 on that shift, B Shift. And his chief officer is  
 16 a deputy chief who on that shift was Jerry Crawford, and it  
 17 shows that Chief Crawford was dispatched, but never went to  
 18 the scene. In other words, he was turned around. So what  
 19 happened, while Chief Daniels has a superior on shift, the  
 20 superior on shift didn't come, probably because Chief Daniels  
 21 told him, "I've got the situation handled; you don't need to  
 22 continue to the scene."  
 23 Q What does the report tell us about the area of fire  
 24 origin? And specifically, I'm referring to Field D1.  
 25 A All right. You're looking on page 2?

1 Q Correct.  
 2 A Tells you the area of fire origin is what D1 says.  
 3 It says, "Vehicle storage area; garage, carport," which it  
 4 was a garage.  
 5 Q Okay. Now, is this where you would have started  
 6 providing your input for this report?  
 7 A Actually, it's where the information I gave should  
 8 have been entered. Right.  
 9 Q What about Field E1? Would the information you  
 10 gave have been reflected in the E field?  
 11 A Yes. E1 says, "Cause of ignition," and the  
 12 response is "Cause undetermined after investigation."  
 13 Q Okay. Can you tell me what you did in order to  
 14 provide the information that's reflected in this report which  
 15 says, "Cause undetermined after investigation"?  
 16 A Well, I went to the fire that morning.  
 17 Q How were you notified of the fire?  
 18 A I'm sure they either paged or called at home. I  
 19 don't remember which one. I called them back. They told me  
 20 what was going on, where it was. And I arrived over there—  
 21 matter of fact, it's got some times.  
 22 Q Okay.  
 23 A Let's see.  
 24 Q Can you tell us what time you arrived and how long  
 25 you were at the scene?

Page 30

1 A On page 4, my unit number, I'm Car 31. I was  
2 dispatched according to this report at 6:33. I got on scene  
3 at 6:40 and left the scene at 8:18.  
4 Q Okay. And after this, arriving at the scene at  
5 6:40 and leaving at 8:18 a.m. on March 13th, did you ever  
6 return to the scene?  
7 A I did not.  
8 Q Other than the investigation that you would have  
9 performed between 6:40 a.m. and 8:18 a.m., did you perform  
10 any other investigation at any other time of the fire?  
11 A No.  
12 Q Could you tell me, then, please, what you did  
13 between 6:40 and 8:18?  
14 A Well, I'll try to the best of my recollection.  
15 It's been a little while. I remember arriving that morning.  
16 Of course, we had the three or four engines on scene and a  
17 rescue unit. I believe I remember the carport door being  
18 either up or torn down. I'm not sure which one it was.  
19 There was a Ford Bronco and I believe a Lincoln Continental  
20 car sitting under the carport. It was obvious from the  
21 damage done to the vehicles which vehicle had ignited first,  
22 which was the Ford Bronco.  
23 Q How was that obvious to you?  
24 A Because of the amount of burn on that vehicle. It  
25 was much greater than anywhere else.

Page 31

1 Q Okay. And because the amount of burn on the Bronco  
2 was greater than on the Lincoln, you then concluded that it—  
3 A It was really obvious, you know, beyond a shadow of  
4 a doubt that the fire had originated at the Bronco. It  
5 spread from the Bronco up into the carport area, if I  
6 remember right. There were lights up in the ceiling, and it  
7 seems like it got good access into the attic area of the house  
8 from there.  
9 Q Would you tell me what—tell me everything you can  
10 recall about the lights in the ceiling—  
11 A I really—  
12 Q —of the carport.  
13 A Right. I really don't recall much. I know that  
14 the openings around the lights allowed a quicker access, or  
15 the opening of the lights themselves. Fire is an animal that  
16 looks for the easiest way to get in something it can, so it  
17 did that at the area of the light or lights. I can remember  
18 that. It got up into the attic area. It seems like, once  
19 you went inside the house, you had to go up a stairway that  
20 took you to that particular attic area that was just over the  
21 carport. That's where the fire that impinged into the house  
22 had done damage. I know that there was smoke damage, I  
23 believe, to probably some other areas of the house, but any  
24 of the direct fire impingement happened actually right over  
25 the carport in the attic area and in the carport area itself.

Page 32

1 Q What part of the carport area, this direct fire  
2 impingement?  
3 A Pretty much all of it.  
4 Q Did you take any photographs?  
5 A I did not.  
6 Q Is that something you typically do in your fire  
7 investigations?  
8 A Not unless it's suspicious or an arson fire.  
9 Q Okay. What type of lights were on the top of the  
10 carport?  
11 A I really don't remember.  
12 Q When you were in the—and I'm interrupting you from  
13 your explanation, but we'll get back to that in a minute.  
14 When you entered the carport on that day, do you remember  
15 observing if there was anything inside the carport, garage?  
16 A Gosh. The only thing my recollection tells me is  
17 the Bronco and the Lincoln.  
18 Q And you don't remember if there were—  
19 A A bunch of firemen.  
20 Q Well, besides the firemen, just stuff that—  
21 A I really don't.  
22 Q [REDACTED] may have kept in his garage?  
23 A I really don't recall.  
24 Q You don't have any specific recollection of that?  
25 A Not at all.

Page 33

1 Q Okay. Please continue with your explanation as to  
2 what you did that day.  
3 A Went into the carport area. Asked the guys about  
4 fire extent from there, and they told me that it had got into  
5 the attic and they had put it out. Asked was anybody home at  
6 the time of the fire, and they told me that [REDACTED] was  
7 and probably either one or two more people, from what I can  
8 remember. I'm not sure if it was one or two. I remember it  
9 was foggy that morning. That's something I remember, very  
10 foggy.  
11 Q Does that have any impact on the fire?  
12 A No. Not really. It in a limited way might impede  
13 it, very limited. It has an affect on response of fire  
14 trucks a lot of times, though.  
15 Q Was there any delay in your opinion of the  
16 response? I noticed they got there about eight minutes  
17 after.  
18 A No.  
19 Q Okay.  
20 A I looked at the vehicle. It was apparent that  
21 the—  
22 Q Which vehicle, now?  
23 A The Ford Bronco. Excuse me. And it was apparent  
24 that the fire had started in the engine compartment and that  
25 was pretty much all I could tell on that end. I remember.

Page 34

1 speaking to, I believe, [REDACTED]. I'm pretty sure it was  
2 him. I'd met him before, so I think it was. If it wasn't,  
3 it would have been one of the other people there. Matter of  
4 fact, I think—it would have had to have been [REDACTED]  
5 because it was his vehicle and I had asked him what his  
6 actions were that morning.

7 Q And what did he tell you, to the best of your  
8 recollection?

9 A It's a little bit sketchy and a little bit funny,  
10 what I remember. And the sketchy part of it, I know that he  
11 was up early, earlier than 5:30, and what I remember is that  
12 he said he had been hitting golf balls out on the bayou  
13 because his home backs up to the bayou there. And I was kind  
14 of thinking it was funny for somebody to be hitting golf  
15 balls in the fog, but if that's what you—maybe you can't see  
16 when you break your bayou neighbor's windows out. I don't  
17 know. Or you really thought you were hitting them a long way  
18 if you didn't hear them splash or something. I don't know.  
19 But that's what he said he was doing. And I do remember  
20 asking him if he had been in the vehicle, used the vehicle,  
21 the last time he had. And I seem to remember him saying he  
22 had cranked it that morning, and I don't remember why. There  
23 was some sort of explanation. He had had to go out there for  
24 something. I seem to remember him saying he had cranked it.  
25 I don't remember exactly why. But, you know, he didn't say

Page 35

1 he left it running or anything like that, so it wasn't  
2 running under the carport. And that's pretty much when I  
3 made sure that he knew he needed to contact his insurance  
4 company and so on and so forth, and left the scene.

5 Q Do you know [REDACTED]

6 A I don't.

7 Q Okay. Had you ever talked to him, to your  
8 knowledge, before the fire?

9 A No.

10 Q Have you talked to him since?

11 A No.

12 Q You stated that it was apparent to you that the  
13 fire started in the engine compartment of the Ford Bronco.

14 A Uh-huh (yes).

15 Q Could you tell me, please, in detail as best you  
16 can what observations led you to that conclusion?

17 A I can't see it in my mind. I see pictures over  
18 there. It may help me if I look at those to tell you. But  
19 what I would have looked at would have been looking for  
20 indications of where the fire had burned the longest. The  
21 examples would be the metal washed out or whited out better  
22 in that area than anywhere else on, say, the hood area or  
23 whatever. And I don't—I can't in my mind remember exactly  
24 what it looked like, but I know that in my experience that's  
25 what I thought, so—

Page 36

1 Q Were these purely visible—or visual observations?

2 A Purely visual.

3 Q Visual? Okay. Did you open the hood of the Ford  
4 Bronco?

5 A Yes.

6 Q Okay. Why did you do that?

7 A To further confirm the area of origin.

8 Q Was anyone else with you when you did that?

9 A I'm sure there was a big crowd of firemen right  
10 there.

11 Q Did you make any notes or other notations on that  
12 because I know that that's not identified in this report.

13 Q No, I didn't, but I know that—

14 A You have a personal recollection of that?

15 A Right. I know that one thing I've seen in this  
16 report there on page 2, it says, "Item first ignited." It  
17 says, "Electrical wire, cable insulation."

18 Q Okay. And that's Field D3 on the report?

19 A Right. And, you know, I think that's an  
20 inaccuracy. I don't think that should be on this report.

21 Q Why not?

22 A Because I didn't find that. I just found that it  
23 started in the engine compartment of the vehicle, and that  
24 was all I could tell. So more likely than not, the reason  
25 that is in here is because the firemen thought, "Well, gosh,

Page 37

1 it must have been that," you know. Or maybe they asked him  
2 at the dispatch, "Well, you don't know where," and he said,  
3 "Well, maybe it was a wire." You know, something like that.  
4 So actually, that's not accurate and shouldn't be in this  
5 report.

6 Q Okay. And that's Field D3?

7 A Right. And like I said,—

8 Q If you knew the item that was first ignited, then  
9 that's information that you would have provided?

10 A Right. It would have come directly from me. And  
11 many times, I do review these reports, but only if it's—I  
12 certainly review the information that's put on these reports  
13 if it's a suspect fire or an arson fire because of two  
14 reasons: Number one, I may want to exclude items that are  
15 going to a suspect; and number two, I may want it to be very  
16 complete going for other causes, so—but I very rarely, if  
17 ever, review the information that goes in the accidental  
18 reports unless I'm doing this.

19 Q What was it about your visual inspection of the  
20 engine compartment that led you to believe that that's where  
21 the fire originated? Just the extent of damage?

22 A As I said, I don't recall— Right. The extent of  
23 damage.

24 Q And what do you mean by "damage"?

25 A Damage from fire. The damage to the components of

Page 38

1 the engine, the damage to the insulation under the hood, the  
2 way the paint looked on top of the hood, especially where all  
3 this relates to how the rest of the vehicle looks.

4 Q Okay. Did you touch any of the components inside  
5 the hood, or the engine compartment of the Bronco?

6 A Not in any way that would have changed any  
7 evidence, for sure. I mean, I may have prodded a little bit  
8 or lifted something out of the way. Probably not, though.  
9 We never take anything or disturb anything unless it comes to  
10 the point of having to put fire out. In that case, we might.

11 But in this case, we didn't. Matter of fact, the guys may  
12 have—or they probably did have to force the hood open. Just  
13 about every time a vehicle burns, the hood release cable is  
14 the first thing that goes and they have to get out great big  
15 old tools and tear stuff up so that they can get in there to  
16 that engine to put that fire out. That was probably done.

17 Q Other than lifting the hood and visually inspecting  
18 the engine compartment, did you inspect any other part of the  
19 Ford Bronco that morning?

20 A I'm sure I would have looked in—everywhere in the  
21 vehicle. I don't recall anything unusual.

22 Q Do you recall whether there were any aftermarket  
23 items in there, telephone, CD players, anything like that?

24 A Not at all.

25 Q You don't recall?

Page 39

1 A I do not recall.

2 Q Turning to page 3 of your report and looking at  
3 Field J2, could you tell me what is meant under that field?

4 A "Fire spread," Item J2 on page 3, says, "Confined  
5 to room of origin." I don't know exactly how accurate that  
6 is. If it had been confined to the room of origin, it would  
7 have stayed in the carport, if you could call that a room. I  
8 guess with the carport door down, it is actually a room. But  
9 it actually got into the attic area, so that is somewhat  
10 inaccurate in itself, also.

11 Q Other than getting into the attic and being in the  
12 carport, to your knowledge, did the fire spread to any other  
13 part of the dwelling?

14 A No.

15 Q Did you observe any other damage, smoke damage?

16 A I'm sure there would have been some smoke damage  
17 and water damage associated with that.

18 Q Is the extent of smoke damage something that you  
19 typically investigate when you're doing your fire scene  
20 investigations?

21 A If it's a scene that's a crime scene, I pay a  
22 little more attention. With the fire that occurred at this  
23 home, I can remember walking into the home. I remember going  
24 up the stairwell that led to the attic space and looking in  
25 there and not going back even in the bedroom areas of the

Page 40

1 home or anything like that. So, certainly, with the fire  
2 that occurred, there would have been smoke damage. How much,  
3 I don't know.

4 Q Do you recall making any observations regarding the  
5 burn pattern within the carport? I'm not talking about on  
6 the Bronco, but along the walls and along the interior of the  
7 carport and, if so, did you attribute any significance to  
8 that burn pattern?

9 A I didn't see any odd burn patterns or I would have  
10 noted it if there were any. But I don't recall there being  
11 any. As I said, my determination was that the origin was at  
12 the Bronco and that anything else I saw would have fit that  
13 conclusion.

14 Q Do you recall making any observations of the ground  
15 on the inside of the carport?

16 A I didn't. I don't think I did. I may have, but—

17 Q Okay. Looking at Field E2 on page 2 of your  
18 report, could you tell me what that says and the meaning of  
19 that?

20 A E2 says, "Factor 1 contributing to ignition." In  
21 other words, it's saying—when it says "Factor 1," it means  
22 it could be one of several factors, so it just names Factor  
23 1. It says "Undetermined," which naturally it was not  
24 determined. If the cause is not determined, the factor  
25 cannot be determined.

Page 41

1 Q And the cause here was not determined by you.  
2 Correct?

3 A Right.

4 Q What about Field D2, the heat source?

5 A D2 says, "Heat source." It is also undetermined.

6 Q Field D4?

7 A Right. D4 says, "Type of material first ignited."

8 It says, "Flammable gas or other." You know, I don't think  
9 that's—I don't know why they put that there either. I don't  
10 think that's accurate at all, since, as I stated earlier, we  
11 don't know what started it, we don't know the cause, you  
12 know. If we don't know the cause—well, it's possible we  
13 could see the material first ignited, but you can't say  
14 "flammable gas" just the same way you can't say "electrical  
15 wire" under "item first ignited."

16 Q Is there anything else that you did in your  
17 investigation of this fire that you haven't told us about  
18 already?

19 A No.

20 Q Other than [redacted] and the firefighters at the  
21 scene, have you talked or spoken with anyone else regarding  
22 this fire?

23 A Not to my recollection. I mean, somebody could  
24 have called me for a report and they would have got the same  
25 thing that you got.

Page 38 - Page 41

Page 42

1 Q Do you recall speaking to Bob Dennis?

2 A Gee, I don't. I've talked to Bob before, but I

3 don't remember talking to him about this fire.

4 Q Once you saw the burn pattern on the Bronco as you

5 described earlier, you didn't go investigate any other

6 possible sources of the fire. Correct?

7 A That was, as I said, in my opinion the origin of

8 the fire was the engine compartment of the Ford Bronco, and I

9 would have looked for other sources had there been a cause

10 to. I didn't find a need to.

11 Q So you pretty much stopped there.

12 A Okay.

13 MS. McGLINCHEY: I don't have any other

14 questions for you. The other attorneys may

15 have some questions.

16 WITNESS: Okay.

17 MR. FISCHESSE: I just have a couple. [REDACTED]

18 [REDACTED] my name is John Fischesser. We met

19 briefly before your deposition. I'm here on

20 behalf of MetLife and Dr. Barrow.

21 EXAMINATION BY MR. FISCHESSE:

22 Q When you got to the scene of the fire, the vehicles

23 were still located in the carport?

24 A Right.

25 Q And you had the opportunity to observe them in the

Page 43

1 carport?

2 A Right.

3 Q Did you also have the opportunity to observe the

4 area immediately around those vehicles? In other words, any

5 items that may have been on the floor or in close proximity

6 to them?

7 A I had an opportunity to, yeah.

8 Q All right. If you would have-- Given the

9 opportunity to observe those items if there were any, if you

10 believed that they were involved in the cause or origin of

11 the fire, would you have noted that to the captain?

12 A Certainly.

13 Q And would the captain have then noted that in his

14 report?

15 A Certainly.

16 Q Do you recall based on your recollection of the

17 observations you made of the area around the Bronco of there

18 being any other what you determined could have been potential

19 ignition sources for the fire?

20 A Not in my opinion, no.

21 Q Was there any doubt in your mind upon seeing the

22 vehicles as they sat in the carport that the fire originated

23 in the engine compartment of the Ford Bronco?

24 A As I said, not in my opinion. Correct.

25 MR. FISCHESSE: Okay. That's all I have.

Page 44

1 (To Mr. Wyrick): Bill?

2 MR. WYRICK: Okay. Just a couple of questions

3 for you, sir.

4 EXAMINATION BY MR. WYRICK:

5 Q I know you've been asked a couple of questions on

6 this subject matter already. You said the cars when you

7 arrived at the scene were still in the garage. Is that

8 right?

9 A Right.

10 Q And do you remember anything else that was in the

11 garage besides the two cars?

12 A I really don't. If there were other items there,

13 in my recollection at this point some two and a half years

14 later, I don't recall at all.

15 Q Got you. Now, you said you arrived at the scene at

16 about 6:40 a.m.?

17 A Let me refer to this report to make sure. The

18 report says I was--my arrival, right, was at 6:40.

19 Q And that's approximately one hour after the initial

20 alarm?

21 A Right.

22 Q And, also, approximately an hour after the arrival

23 of the first unit at the fire?

24 A Correct.

25 Q Okay. Was the fire extinguished when you got

Page 45

1 there?

2 A Yes, it was.

3 Q Were there any suppression activities whatsoever

4 going on at the time you arrived?

5 A I know that they were still up in the attic area.

6 There was no water being put on anything that I recall at

7 that time. They were--and I can't--I'd say, a pretty good

8 guess, they were going through the insulation up there in

9 that attic area and looking at other items to make sure that

10 all the--everything was extinguished up in the attic and

11 wouldn't lead to the fire restarting at some point.

12 Q I got you. Now, you told us that you actually

13 looked under the hood of the Ford Bronco. Correct?

14 A Correct.

15 Q Was the Bronco still in the garage when you did

16 that?

17 A It was.

18 Q And I presume, since you were opening the hood of

19 the vehicle, that it was--although it had been involved in

20 the fire, it was fully extinguished at that point?

21 A Yes.

22 Q Still hot?

23 A May have been a little warm. Might have been a

24 little smoldering going on. It wouldn't have been hot.

25 They'd put a lot of water on it.

Page 42 - Page 45



1 Q Put a lot of water on it?

2 A Yeah, they did.

3 Q Now, you left the scene at about 8:18 a.m., so it

4 looks like about--well, less than two hours after you got

5 there, anyway. Right?

6 A Right.

7 Q Were the vehicles still in the garage when you

8 left?

9 A They were.

10 Q Were you the last one that left?

11 A I was within the last group that left. I know a

12 bunch of us left about at the same time. Matter of fact,

13 it's probable that I left before the rest of these people

14 left. There were still people on scene when I left, in other

15 words.

16 Q Well, if you look at the--what does it mean when it

17 says, "Last unit clear" in your report?

18 A Yeah. I saw that and I know that coincides with--

19 it says "8:18:43," and it says the same thing on mine, and it

20 also says the same thing on Engine 101. But I can tell you I

21 was gone probably a little bit before that time. I know

22 there was--all the fire trucks that had made the fire, maybe

23 all but one of them gone when I left, so there was--I mean,

24 all but just one of them gone when I left, so most of the

25 units were still there. The time down there, I probably left

1 before 8:18.

2 Q Were there any suppression activities going on at

3 the time that you left?

4 A No. As I said, the guys were still up in the attic

5 area going through stuff in the attic area. They were

6 through with the vehicle fire when I was looking at it. I

7 wouldn't have been-- I wouldn't have never even looked at

8 that Bronco if it wasn't totally extinguished. In other

9 words, I would have no need to look at it--and not the

10 ability, as much as anything else, without the fire

11 completely extinguished. So to my knowledge, and I'm sure it

12 would be pretty accurate, there was no further extinguishing

13 efforts done on either one of the vehicles at the time that I

14 was there. For most of the time I was there and when I left,

15 the efforts weren't geared toward extinguishment, but were

16 geared towards making sure that everything was extinguished

17 in the attic.

18 Q Okay. Well, that was going to be my next question.

19 When I originally asked you about fire suppression

20 activities, I asked you whether there were still fire

21 suppression activities going on at 6:40 when you arrived.

22 A Right.

23 Q And when you departed an hour and a half later and

24 I asked you whether there were any fire suppression

25 activities going on, you said, "As I said, they were up in

1 the attic." So were they still up in the attic an hour and a

2 half later, making sure that the fire was suppressed?

3 A Yeah. I think, because there was a lot of stuff up

4 there. I mean, you know, what I can remember about that

5 attic, it was full of boxes of stuff, and they were taking

6 all the boxes out. And if you've--maybe you have. If you've

7 ever been up in an attic that's had a fire in it and it's

8 insulated with blown insulation or other insulations, they

9 will go through every bit of it and take it all out to make

10 sure that there is no chance that any embers or anything else

11 smouldering is up there to cause another fire to start and

12 more damage at a later time.

13 Q Did you discuss with any of the suppression

14 personnel at the scene whether the vehicles themselves either

15 were going to be removed from the garage or should be removed

16 from the garage?

17 A No.

18 Q Did you have any understanding that the suppression

19 personnel were planning to or, in fact, did remove the

20 vehicles from the garage?

21 A I don't have any knowledge of what they did after I

22 left the scene.

23 Q Okay. Now, you've already testified that you were

24 walking around in the garage and you were even looking under

25 the hood, and I think checked out the vehicle quite

1 thoroughly. Right?

2 A Right.

3 Q It was suppressed?

4 A Yes.

5 Q Was there any reason as far as you know to remove

6 the vehicle from the garage at that point?

7 A Not unless they wanted to get up into the attic

8 area from the access on the inside, if someone did that, but

9 I wouldn't--I wouldn't see why anybody needed to. Perhaps

10 they did. I don't know.

11 Q Okay. But as far as you know, the vehicles weren't

12 removed as part of any sort of suppression activity, at least

13 not by the time you left?

14 A No. Not--

15 Q And they didn't appear to need to be moved as a

16 result of any--or as a part of any suppression activity?

17 A Not to my knowledge. No.

18 Q Are you a member of any either state or national

19 organizations that either certify or license fire

20 investigators or arson investigators?

21 A That licensing question is kind of a strange one,

22 but I'm a member of the International Association of Arson

23 Investigators and a member of the Louisiana chapter of that

24 organization, and also a member of the Mississippi Fire

25 Investigators Association.

Page 50

1 Q How long have you been a member of the  
2 International Association of Arson Investigators?  
3 A Gosh. I think since '92 or '93.  
4 Q Did you have to do anything to become a member of  
5 that organization?  
6 A You have to pay dues and they have two different  
7 categories. They have a category for fire and investigation-  
8 related folks, and then a category for those that aren't.  
9 And that's what your dues are based on more than anything  
10 else. They don't really exclude anybody that wants to be a  
11 member and to learn about fires and their causes and  
12 investigations.  
13 Q Okay. So you don't have to demonstrate to them  
14 that you've completed any certain amount of course work on  
15 fire investigation or have a certain number of years of  
16 experience in the field to be a member?  
17 A No.  
18 Q Do you have to take any sort of test to be a  
19 member?  
20 A No. They have-- The IAAI has certification exams  
21 that they can give to call you a certified fire investigator  
22 through their organization and it's a good certification from  
23 what I understand. I just haven't gone after it yet. But  
24 you don't have to be certified to be a member.  
25 Q Got you. Did you move the vehicles at all within

Page 51

1 the garage even as part of your investigation?  
2 A I didn't. No. And as I said, I don't think the  
3 guys would have moved them unless they had a need. I know  
4 that if, of course, the fire had gotten into the attic area  
5 above the carport,--and it's possible they might have--  
6 might have moved the Bronco or the Continental or both  
7 sometime after I left to gain an easier access or something,  
8 but I don't--it hadn't been done when I left anyway.  
9 Q Well, they were already up in the attic when you  
10 left. Right?  
11 A Right. Uh-huh (yes). But, you know, that's what  
12 I'm saying. If they were moved by our guys, they would have  
13 had some reason for it if they did, in fact, move it.  
14 Q Do you have any reason to believe your guys moved  
15 it?  
16 A I don't see where they would have had to, but I can  
17 certainly find out.  
18 Q I would like to know that.  
19 A Sure. I'll get your contact information from you  
20 and I'll call you back. Well, I'll call all of you--or call  
21 one of you with that and let you get back with the others.  
22 Q I was going to say, I think Deirdre probably has my  
23 contact information there.  
24 A Okay.  
25 MS. McGLINCHEY TO WITNESS: Right. If you

Page 52

1 just want to give it to me, I'll be happy to  
2 pass it on.  
3 WITNESS: That'll work.  
4 MS. McGLINCHEY TO MR. WYRICK: Bill, can I  
5 just jump in and ask one question along those  
6 lines before you finish?  
7 MR. WYRICK: Yeah. Go ahead. I think I have  
8 a couple more, but go ahead.  
9 MS. McGLINCHEY: Okay.  
10 REEXAMINATION BY MS. McGLINCHEY:  
11 Q If the firemen at the scene had wanted to or needed  
12 to move the vehicle out of the carport for any reason, how  
13 would they have done that? Would they have needed any  
14 special equipment?  
15 A It would have been pretty tough. At the least,  
16 they would have had to have a whole lot of them, like, pick  
17 it up and move them out, or pick up the front end or the rear  
18 end, depending on where the drive was, to get it to move  
19 because, in that situation, you couldn't have naturally  
20 cranked it up or put it in neutral. That wouldn't have  
21 occurred. They would have to have hooked onto it. In my  
22 opinion, they would have probably had to have hooked onto it  
23 with a winch or a fire truck and a chain to pull it out, and  
24 that doesn't sound like a very logical thing, although if  
25 they had wanted to, they would have been fully within their

Page 53

1 right to do it.  
2 MS. McGLINCHEY TO MR. WYRICK: Okay. That's  
3 it, Bill.  
4 MR. WYRICK: Okay.  
5 REEXAMINATION BY MR. WYRICK:  
6 Q [REDACTED], in your investigation, you said you  
7 opened up the hood of the Ford Bronco and, based on the  
8 damage that you could see inside the engine compartment, you  
9 believed it was--I think you even said beyond the shadow of a  
10 doubt that the fire started in the engine compartment.  
11 Correct?  
12 A Right.  
13 Q Now, did you happen to notice whether there were  
14 any materials beneath the vehicle, whether liquid or  
15 otherwise?  
16 A I didn't. I'm sure I looked under there and I  
17 don't recall, to be honest with you, what I saw. But I would  
18 have looked under it, but I don't recall what I saw.  
19 Q Now, if a fire had entered into the vehicle from  
20 below, could it have caused damage inside the engine  
21 compartment similar to what you saw?  
22 A Yeah. That's something I would have to totally  
23 agree with.  
24 Q Sir, I don't think I have anymore questions for  
25 you. If you could simply provide that information about

Page 54

1 whether the fire department personnel moved the vehicle or  
2 not to Ms. McGlinchey.

3 A I will. I'll have that information for y'all  
4 tomorrow and I'll call and—I've got some more information to  
5 fax over. I'll just put it on the cover page.

6 Q That would be great. Thank you very much for your  
7 time.

8 A You're welcome.

9 MS. McGLINCHEY: That's it. [REDACTED]  
10 Thank you for your time today. We appreciate  
11 it.

12 WITNESS: Sure.

13 MS. McGLINCHEY: You do have an opportunity to  
14 read and sign your deposition. Would you like  
15 to read it and sign it or do you wish to waive  
16 that right?

17 WITNESS: Yeah, I'll read it and sign it. You  
18 never know. I might be able to improve myself  
19 seeing how dumb I sounded at some point or  
20 another.

21 MS. McGLINCHEY: And, again, you can make any  
22 type changes—

23 WITNESS: Right.

24 MS. McGLINCHEY: —or spelling, but you can't  
25 alter your testimony substantively. Okay?

STATE OF LOUISIANA

PARISH OF ORLEANS

I, MARCIA J. EMMY, Certified Court Reporter in and for  
the State of Louisiana, as the officer before whom this  
deposition was taken, do hereby certify that [REDACTED]  
[REDACTED] after having been duly sworn by me upon authority  
of R.S. 37:2834, did testify as set forth in the foregoing  
deposition at the law offices of McGlinchey Harford, 1811  
Tower Drive, Suite A, Metairie, Louisiana 70001, on the 7th day  
of December, 2004, commencing at 2:03 p.m. and concluding at  
3:15 p.m.; that this testimony was reported by me in the  
penwriter and electronic reporting methods, was prepared and  
transcribed under my personal direction and supervision, and  
is a true and correct transcript to the best of my ability  
and understanding; that I am not related to counsel or to the  
parties herein nor am I otherwise interested in the outcome  
of this matter.

This certification is valid only for a transcript  
accompanied by my original signature and original seal on  
this page.

Metairie, Louisiana, this 17th day of December, 2004.

MARCIA J. EMMY, CCR

Page 55

1 WITNESS: Right.

2 MS. McGLINCHEY: I think that's it.

3 WITNESS: All right.

4 MS. McGLINCHEY: Thank you very much.

5 WITNESS: You're welcome.

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25 DEPOSITION CONCLUDED.

Page 54 - Page 56

EM25-005-LC-6685

<p align="center"><b>-5-</b></p>	<p>5:38:10 (1) 25:3 5:46:32 (1) 25:5</p>	<p>ahead (3) 21:10 52:7,8 aid (3) 24:7,8,9 AL (1) 1:11</p>	<p>awareness (1) 8:5</p>
<p>\$250,000 (1) 27:21 \$30,000 (1) 27:20 \$35,000 (1) 27:12 \$500,000 (1) 27:13</p>	<p align="center"><b>-6-</b></p> <p>6:33 (1) 30:2 6:40 (1) 30:3,5,9,13 44:16,18 47:21</p>	<p>Alabama (3) 8:21,22 alarm (3) 24:25 25:2 44:20 ALCOA (1) 2:16 alerted (1) 28:1</p>	<p align="center"><b>-B-</b></p> <p>B (3) 22:11 23:21 24:3 26:21 28:15 baccalaureate (1) 9:6 background (3) 5:5 10:11 backs (1) 34:13 balls (2) 34:12,15</p>
<p align="center"><b>-8-</b></p> <p>8 (4) 1:5 2:9,17 12:22</p>	<p align="center"><b>-7-</b></p> <p>7 (3) 1:16 16:6 70124-2552 (1) 2:12 71201 (3) 1:21 2:5 56:9 71203 (3) 4:19 7th (1) 56:9</p>	<p>along (4) 18:2 40:6,6 52:5 alter (1) 54:25 alternative (4) 22:12,15,19,20 always (3) 6:24 22:14 25:9 among (1) 3:2 amount (3) 30:24 31:1 50:14 animal (1) 31:15</p>	<p>Barrow (3) 1:5 2:8 32:22 32:6 34:1,4 35:5 41:20 42:20 based (3) 26:3,4 43:16 50:9 53:7 basic (7) 5:25 6:25 7:14,18 8:13 13:19 26:10 basics (3) 7:15 16:1,2,3 18:5 basis (1) 17:24 bayou (3) 34:12,13,16</p>
<p align="center"><b>-3-</b></p> <p>'3 (1) 50:3 '02 (1) 25:3 '76 (3) 6:13,14 '87 (3) 6:13,14 '92 (3) 15:14 50:3</p>	<p align="center"><b>-8-</b></p> <p>87255 (1) 1:26 8:18 (3) 30:3,5,9,13 46:3 47:1 8:18:43 (3) 25:10 46:19</p>	<p>answer (3) 3:7 4:6 24:3 answering (1) 4:8 answers (2) 4:3 23:2 anyway (3) 20:11 46:5 51:8 apartment (1) 12:3 Apartments (1) 12:10 apparatus (3) 25:19,21 26:21 apparent (3) 33:20,23 35:12 appear (1) 49:15</p>	<p>BEAHM (1) 2:9 became (1) 15:9 become (1) 50:4 bedroom (3) 39:25 behalf (3) 1:18 42:20 below (3) 24:2 53:20 beneath (3) 53:14 best (4) 30:14 34:7 35:15 56:14 better (1) 35:21 between (3) 6:13 30:9,13</p>
<p align="center"><b>-1-</b></p> <p>1 (6) 21:24 24:12 25:6 40:20,21 40:23 101 (3) 26:20 46:20 13 (1) 18:19 13th (1) 30:5 145 (1) 2:10 15222 (1) 2:20 1600 (1) 2:18 1811 (3) 1:20 2:4 56:8 1957 (1) 16:6 1976 (1) 5:8 1987 (3) 6:12 14:24 1992 (1) 8:19 1994 (1) 14:6 19th (1) 56:21</p>	<p align="center"><b>-9-</b></p> <p>911 (3) 25:3,4</p> <p align="center"><b>-A-</b></p> <p>a.m. (4) 30:5,9,9 46:3 a.m. (1) 44:16 abbreviated (1) 23:3 ability (2) 47:10 56:14 able (1) 7:22 11:6 54:18 above (1) 51:5 academics (1) 7:7 academy (3) 5:15 6:25 7:14 8:4 9:3 access (4) 31:7,14 49:8 51:7 accidental (4) 18:10,25 19:1 37:17 accompanied (1) 56:19 according (2) 22:7 30:2 accurate (4) 37:4 39:5 41:10 47:12 acting (1) 15:11 action (3) 1:8 25:15 actions (3) 34:6 activities (3) 45:3 47:2,20,21 47:25 activity (2) 49:12,16 added (1) 20:13 addition (1) 25:19 address (3) 4:18 23:23 24:2 advanced (1) 8:14 advised (1) 3:11 effect (3) 33:13 aftermarket (1) 38:22 again (3) 26:10 54:21 against (1) 3:21 agencies (1) 24:10 agroc (1) 53:23 agreed (1) 3:2</p>	<p>APPEARANCES (1) 2:1 appearing (1) 2:6,13,21 appliances (1) 7:17 appreciate (3) 10:23 21:6 54:10 area (2) 8:1 17:10 19:2 22:4 28:23 29:2,3 31:5,7,17,18,20,25 31:25 32:1 33:3 35:22,22 36:7 39:9 43:4,17 45:5,9 47:5,5 49:8 51:4 areas (3) 31:23 39:25 arrest (1) 14:6 arrival (4) 24:25 25:4 44:18,22 arrived (7) 25:5 29:20,24 44:7 44:15 45:4 47:21 arriving (2) 30:4,15 arson (14) 9:6 12:9 13:21 14:3,6 14:7,12,17 18:12,17,18 32:8 37:13 49:20,22 50:2 aspect (1) 27:17 assessments (2) 26:14,18 associated (1) 39:17 Association (3) 8:24 9:25 49:22,25 50:2 assume (2) 24:8 26:16 attempted (1) 13:11 attend (1) 5:12 attended (2) 5:18 10:5 attention (1) 39:22 attic (1) 31:7,18,20,25 33:5 39:9 39:11,24 45:5,9,10 47:4,5,17 48:1 48:1,5,7 49:7 51:4,9 attorney (1) 12:11 attorneys (3) 12:5,20 42:14 attribute (1) 40:7 authority (1) 56:6 AUTO (1) 1:5</p>	<p>big (2) 36:9 38:14 Bill (3) 44:1 52:4 53:3 birth (1) 16:5 bit (3) 16:19 34:9,9 38:7 46:21 48:9 bits (1) 10:19 blank (2) 25:1,9 blown (1) 48:8 Bob (2) 42:1,2 book (3) 22:17,22 Boulevard (2) 2:10,19 boxes (2) 48:5,6 branch (1) 5:13 break (2) 4:13 34:16 briefly (3) 3:24 5:4 42:19 bring (1) 26:1 Bronco (2) 30:19,22 31:1,4,5 32:17 33:23 35:13 36:4 38:5,19 40:6,12 42:4,8 43:17,23 45:13,15 47:8 51:6 53:7 brought (2) 10:9 16:14 building (1) 24:5 bunch (2) 32:19 46:12 burn (4) 30:24 31:1 40:5,8,9 42:4 burned (1) 35:20 burns (1) 38:13 business (1) 6:17 business/residence (1) 28:8</p>
<p align="center"><b>-2-</b></p> <p>2 (3) 28:25 36:16 40:17 2002 (1) 18:19 2004 (3) 1:16 56:10,21 201 (1) 25:5 2:03 (3) 56:10</p>	<p align="center"><b>-3-</b></p> <p>3 (3) 39:24 3-13 (1) 25:3 31 (1) 30:1 37-2554 (1) 56:7 3:15 (3) 56:11</p>	<p align="center"><b>-4-</b></p> <p>4 (3) 26:20 30:1 408 (3) 2:11 420 (1) 2:19</p>	<p align="center"><b>-C-</b></p> <p>C (2) 2:7 24:4</p>
<p align="center"><b>-3-</b></p> <p>3 (3) 39:24 3-13 (1) 25:3 31 (1) 30:1 37-2554 (1) 56:7 3:15 (3) 56:11</p>	<p align="center"><b>-4-</b></p> <p>4 (3) 26:20 30:1 408 (3) 2:11 420 (1) 2:19</p>	<p align="center"><b>-5-</b></p> <p>5 (3) 22:1 24:13 28:15 502 (1) 4:19 5:30 (1) 34:11</p>	<p align="center"><b>-5-</b></p> <p>5 (3) 22:1 24:13 28:15 502 (1) 4:19 5:30 (1) 34:11</p>

<p>cable [n] 36:17 38:13  calls [n] 19:8  campus [n] 5:18 8:21  cannot [n] 40:25  capacity [n] 15:10  captain [n] 15:11 19:22 20:7  26:16,22 27:4,5 43:11,13  car [n] 30:1,20  career [n] 6:19  Carl [n] 12:15  carport [n] 29:3 30:17,20 31:5  31:12,21,25,25 32:1,10,14,15  33:3 35:2 39:7,8,12 40:5,7,15  42:23 43:1,22 51:5 52:12  cars [n] 44:6,11  case [n] 11:12,22 12:2,9,16  18:16 20:8 24:11,12 25:1 26:14  27:6 38:10,11  cases [n] 11:21 12:1,8  categories [n] 50:7  category [n] 50:7,8  cashed [n] 53:20  causes [n] 16:1 37:16 50:11  CCR [n] 56:23  CD [n] 38:23  ceiling [n] 31:6,10  census [n] 22:12,16,19  center [n] 2:18 19:9 25:4 26:25  certain [n] 50:14,15  certainly [n] 37:12 40:1 43:12  43:15 51:17  CERTIFICATE [n] 1:26  certification [n] 10:12 50:20  50:22 56:18  certified [n] 1:25 14:5 50:21,24  56:3  certify [n] 49:19 56:5  cetera [n] 5:15  chain [n] 52:23  chance [n] 15:6 48:10  change [n] 6:19  changed [n] 14:20 38:6  changes [n] 54:22  chapter [n] 49:23  charge [n] 22:8 28:9  checked [n] 48:25  chief [n] 14:1,14 15:14,14 22:5  24:20,21 28:11,13,14,15,16,17  28:19,20  Civil [n] 1:8 3:5  clear [n] 20:15 46:17  cleared [n] 25:2,10  clearer [n] 4:6  close [n] 43:5  closest [n] 21:23  codes [n] 22:22  coincides [n] 46:18  college [n] 5:8,10,12 6:3 8:22  commencing [n] 56:10  commissioned [n] 14:1,14  company [n] 1:11 2:2 3:4,19</p>	<p>6:15 17:15 35:4  compartment [n] 33:24 35:13  36:23 37:20 38:5,18 42:8 43:23  53:8,10,21  competitive [n] 15:6,16  compile [n] 17:21 18:2  complete [n] 5:22 7:9 26:25  37:16  completed [n] 50:14  completely [n] 47:11  complex [n] 12:3  components [n] 37:25 38:4  computer [n] 20:1  concerned [n] 23:11  concluded [n] 31:2 55:25  concluding [n] 56:10  conclusion [n] 35:16 40:13  confined [n] 39:4,6  confirm [n] 36:7  consists [n] 6:25  contact [n] 35:3 51:19,23  content [n] 26:15 27:9  contents [n] 27:18,19,19  Continental [n] 30:19 51:6  continue [n] 18:13 28:22 33:1  continuing [n] 13:16,25  contracting [n] 6:17  contributing [n] 17:10 40:20  contributors [n] 17:9  control [n] 9:9 25:1  controlled [n] 25:7,8  convey [n] 19:5  cooperatively [n] 7:7  correct [n] 6:4 13:14,15 20:21  20:22 24:5,6 27:23 28:10 29:1  41:2 42:6 43:24 44:24 45:13,14  53:11 56:14  counsel [n] 3:24 56:15  Country/Swartz [n] 22:3  couple [n] 9:9 23:4 42:17 44:2,5  52:8  course [n] 5:22,23,25 7:10 8:18  8:20 9:7,16,23 10:2 13:20,24  22:19 28:2 30:16 50:14 51:4  courses [n] 6:1,7 7:12 8:12,13  8:14,23 9:5,17 16:3  court [n] 1:1,25 3:25 10:24 11:7  11:14 13:4,7 56:3  courtroom [n] 9:7  cover [n] 54:5  cranked [n] 34:22,24 52:20  Crawford [n] 28:16,17  create [n] 15:15  crime [n] 39:21  crimes [n] 14:7  criteria [n] 18:10  crowd [n] 36:9  Cusimano [n] 12:20  CV03-0782M [n] 1:8</p>	<p>-D-</p> <p>D [n] 24:7  D1 [n] 28:24 29:2  D2 [n] 41:4,5  D3 [n] 36:18 37:6  D4 [n] 41:6,7  damage [n] 30:21 31:22,22  37:21,23,24,25,25 38:1 39:15,15  39:16,17,18 40:2 48:12 53:8,20  Daniels [n] 22:8,9 28:9,11,14  28:19,20  database [n] 17:25 18:1 19:14  21:13  date [n] 16:5 21:22 25:10  Davenport [n] 12:22  Davenport's [n] 12:21  deaths [n] 27:23  December [n] 1:16 56:10,21  decided [n] 6:18  dedicated [n] 7:19  deem [n] 18:10,16,18 19:1  DEFENDANT [n] 1:12  definitely [n] 26:1  degree [n] 5:9 6:2,3 9:6 10:13  Deirdre [n] 2:7 3:18 51:22  delay [n] 33:15  delinquent [n] 13:22  demonstrate [n] 50:13  Dennis [n] 42:1  departed [n] 47:23  department [n] 4:25 5:2 6:9  6:11,19,22,24 8:9 13:17 14:1,2  14:15,21,25 15:15 16:20 17:22  20:17 21:2,20,21 54:1  departments [n] 7:6 24:10  depending [n] 23:3 52:18  deposition [n] 1:14 3:3,8,12  3:22 16:7,12 42:19 54:14 55:25  56:8  deputy [n] 24:21 28:16  described [n] 16:3 42:5  describes [n] 23:14 24:4  detail [n] 35:15  detectors [n] 28:3  determination [n] 17:20 40:11  determined [n] 40:24,24,25  41:1 43:18  difference [n] 13:23  different [n] 7:6 8:2,24 17:8  50:6  dig [n] 26:17  direct [n] 31:24 32:1  direction [n] 56:13  directly [n] 10:15 19:10 37:10  disciplines [n] 6:2  discuss [n] 48:13  dispatch [n] 19:9 26:25 37:2  dispatched [n] 18:11 19:15,16  28:17 30:2  dispatcher [n] 20:13</p>	<p>dispatchers [n] 19:9 20:3  district [n] 1:1,2 11:17,18 12:16  19:3 21:23,25 22:1,5 24:13,15,20  28:11,14,15  disturb [n] 38:9  division [n] 1:3 5:14 15:16  divisions [n] 7:5 13:20  document [n] 19:20 28:13  doesn't [n] 27:14 52:24  dollar [n] 27:20  dollars [n] 27:12,13,21  Don [n] 15:15  done [n] 15:4 26:2 30:21 31:22  38:16 47:13 51:8 52:13  door [n] 30:17 39:8  doubt [n] 31:4 43:21 53:10  down [n] 4:1 9:2 19:6 21:9 22:7  26:17,21 28:13 30:18 39:8 46:25  Dr [n] 32:22 33:6 34:1,4 35:5  41:20 42:20  drive [n] 1:20 2:4 4:19 15:9  52:18 56:9  driver [n] 15:9  dues [n] 50:6,9  duly [n] 3:15 56:6  dumb [n] 54:19  Duquesne [n] 2:19  dwelling [n] 39:13  dynamics [n] 7:16</p> <p>-E-</p> <p>E [n] 2:10 24:25 29:10  E1 [n] 24:24 29:9,11  E2 [n] 40:17,20  EADY [n] 1:24 56:3,23  early [n] 34:11  easier [n] 4:4 51:7  easiest [n] 31:16  education [n] 13:16,25  educational [n] 5:5  efforts [n] 47:13,15  eight [n] 15:11 33:16  eighteenth [n] 5:3  eighty-hour [n] 8:14 9:5  either [n] 29:18 30:18 33:7 41:9  47:13 48:14 49:18,19  elected [n] 3:12  electrical [n] 15:20,25 16:1  36:17 41:14  electrician [n] 15:22  electronic [n] 56:12  electronics [n] 10:16  embers [n] 48:10  emergency [n] 23:22 24:3  EMILE [n] 1:6 2:8  Emmitsburg [n] 9:4  employ [n] 6:8  employed [n] 4:24 6:15  Employee [n] 26:21  end [n] 5:21 33:25 52:17,18</p>
---	--	--	---

ends (n) 18:25  
 engine (n) 25:5 26:20 33:24  
 35:13 36:23 37:20 38:1,5,16,18  
 42:8 43:23 46:20 53:8,10,20  
 engineer (n) 15:20  
 engines (n) 30:16  
 entered (v) 19:14 20:11 29:8  
 32:14 53:19  
 enters (v) 17:24,25  
 entry-level (n) 14:24  
 equipment (n) 52:14  
 especially (n) 38:2  
 estimate (n) 7:22 9:11 11:6  
 estimates (n) 26:1,2  
 estimation (n) 25:24  
 estimations (n) 26:12  
 et (n) 1:11 5:15  
 evaluate (n) 26:9  
 evaluation (n) 26:10  
 eventually (n) 16:23  
 everybody (n) 20:10  
 everywhere (n) 38:20  
 evidence (n) 3:9 8:5 38:7  
 exactly (n) 34:25 35:23 39:5  
 exam (n) 15:16,17  
 EXAMINATION (n) 4:15  
 42:21 44:4  
 examples (n) 35:21  
 exams (n) 15:6,6,12 30:20  
 except (n) 3:6  
 exclude (n) 37:14 50:10  
 Excuse (n) 33:23  
 exercise (n) 3:13  
 expanding (n) 14:25  
 experience (n) 9:20 15:24 35:24  
 50:16  
 expert (n) 10:25 11:3,4,7,10,14  
 13:1,3,8,11  
 explanation (n) 32:13 33:1  
 34:23  
 extent (n) 33:4 37:21,22 39:18  
 extinguish (n) 25:17  
 extinguished (n) 25:14 44:25  
 45:10,20 47:8,11,16  
 extinguishing (n) 47:12  
 extinguishment (n) 7:16 25:16  
 47:15

## -F-

F (n) 25:13  
 fact (n) 10:10 20:9 29:21 34:4  
 38:11 46:12 48:19 51:13  
 factor (n) 40:20,21,22,24  
 factors (n) 17:9 40:22  
 fail (n) 15:5  
 fairly (n) 20:10 23:1  
 fall (n) 8:25 10:1  
 far (n) 49:5,11  
 Farm (n) 12:23  
 Farmerville (n) 12:17

fax (n) 54:5  
 faxes (n) 19:10  
 Federal (n) 3:5  
 few (n) 6:15  
 field (n) 5:24 11:2 21:16 22:11  
 23:1,3,21 24:3,4,7,24 25:13,18  
 25:23 27:10,11,22 28:5,24 29:9  
 29:10 36:18 37:6 39:3,3 40:17  
 41:4,6 50:16  
 fields (n) 17:8,11,17 22:18 23:8  
 23:14,15  
 fifty (n) 27:21  
 figures (n) 26:11  
 files (n) 16:16 18:16 19:11,12  
 filed (n) 3:20  
 files (n) 12:22 18:9  
 filled (n) 25:7  
 finish (n) 4:5,8 52:6  
 finished (n) 19:17  
 Finks (n) 24:1  
 fire (n) 4:25 5:1,14,15,19,21,23  
 5:25 6:1,8,11,19,22,24,25 7:6,6,6  
 7:14,17,25 8:9,10,11,12,17,22,24  
 9:1,3,8,10,12,16,16,19,23,25 10:4  
 10:13,18 11:4,5,7,10,14,19 12:2  
 12:17 13:2,5,8,11,17,18,21,23  
 14:2,4,9,15,15,20 15:1,2,9,15,18  
 16:20,21 17:3,5,9,10,12,13,14,16  
 18:8,12,19 19:3,8,15 20:8,10,17  
 20:18 21:2,19,20,23,24 22:6,11  
 22:23,24 24:5,13,20 25:8,11,14  
 25:25 26:5 27:5,16 28:23 29:2  
 29:16,17 30:10 31:4,15,21,24  
 32:1,6,8 33:4,6,11,13,24 35:8,13  
 35:20 37:13,13,21,25 38:10,16  
 39:4,12,19,22 40:1 41:17,22 42:3  
 42:6,8,22 43:11,19,22 44:23,25  
 45:11,20 46:22,22 47:6,10,19,20  
 47:24 48:2,7,11 49:19,24 50:7,15  
 50:21 51:4 52:23 53:10,19 54:1  
 firefighter (n) 7:15 14:24  
 firefighters (n) 26:2 41:20  
 firefighting (n) 7:18 15:10  
 fireman (n) 8:18 10:8  
 firemen (n) 32:19,20 36:9,25  
 52:11  
 fires (n) 9:20 15:25 16:1 18:10  
 18:11 19:7,18,19 20:12 21:1  
 26:24 50:11  
 first (n) 3:15 6:10 8:19 15:3,5  
 17:12 19:16 25:6 30:21 36:16  
 37:8 38:14 41:7,13,15 44:23  
 first-in (n) 19:3 27:5,6  
 Fischesser (n) 2:14 42:17,18,21  
 43:25  
 fit (n) 40:12  
 five (n) 6:16 27:12  
 flammable (n) 41:8,14  
 floor (n) 43:5  
 fluid (n) 7:16  
 fog (n) 34:15  
 foggy (n) 33:9,10  
 folks (n) 15:4 50:8  
 follow (n) 18:11

follows (n) 1:16  
 force (n) 38:12  
 Ford (n) 1:11 2:2 3:4,19 30:19  
 30:22 33:23 35:13 36:3 38:19  
 42:8 43:23 45:13 53:7  
 foregoing (n) 56:7  
 forest (n) 9:8  
 form (n) 3:6 19:6,7,8,10,10,11  
 19:18,19,22 20:12 21:1 23:18  
 26:24  
 formulate (n) 19:20  
 Fort (n) 2:19  
 forth (n) 17:11 35:4 56:7  
 forty (n) 13:25 15:1  
 forty-hour (n) 8:13,17,19,20  
 13:20,24  
 found (n) 19:5 36:22  
 four (n) 11:9,13 14:25 30:16  
 fourteen (n) 15:2  
 Fourth (n) 11:16  
 front (n) 10:20 18:20 19:22 52:17  
 FUJIKURA (n) 2:16  
 full (n) 4:16 23:6 48:5  
 fully (n) 45:20 52:25  
 funny (n) 34:9,14

## -G-

G (n) 27:11  
 G1 (n) 25:18  
 G2 (n) 25:23,24 27:10  
 gain (n) 51:7  
 garage (n) 29:3,4 32:15,22 44:7  
 44:11 45:15 46:7 48:15,16,20,24  
 49:6 51:1  
 gas (n) 41:8,14  
 Gateway (n) 2:18  
 geared (n) 47:15,16  
 Geca (n) 42:2  
 generally (n) 9:1  
 generate (n) 19:16  
 generated (n) 20:2  
 generator (n) 12:18  
 given (n) 3:21 8:18,23 24:7,9  
 43:8  
 giving (n) 14:6 17:18  
 glad (n) 10:22  
 goes (n) 17:7 37:17 38:14  
 golf (n) 34:12,14  
 gone (n) 8:12 46:21,23,24 50:23  
 good (n) 9:2 10:2,7 15:5 31:7  
 45:7 50:22  
 goosh (n) 32:16 36:25 50:3  
 graduate (n) 5:5  
 graduated (n) 5:7  
 great (n) 6:17 38:14 54:6  
 greater (n) 30:25 31:2  
 GREEN (n) 2:9  
 GREENE (n) 2:17  
 Gregory (n) 1:15 3:3,11,15 4:17  
 56:5

grow (n) 15:3  
 ground (n) 3:25 40:14  
 group (n) 46:11  
 guess (n) 5:11 7:24 13:22 39:8  
 45:8  
 guys (n) 33:3 38:11 47:4 51:3,12  
 51:14

## -H-

H (n) 27:22  
 half (n) 44:13 47:23 48:2  
 Handbook (n) 22:25  
 handled (n) 24:13,15 28:21  
 happy (n) 4:12 52:1  
 hard (n) 9:15  
 hazards (n) 11:5,11,19  
 head (n) 6:19 11:23 12:6  
 hear (n) 34:18  
 heard (n) 16:10  
 heat (n) 41:4,5  
 beating (n) 12:18  
 help (n) 35:18  
 hereby (n) 56:5  
 herein (n) 2:6,13,21 56:16  
 Hideaway (n) 24:1  
 high (n) 5:5,7,7  
 himself (n) 10:8  
 hired (n) 15:3,4  
 hiring (n) 15:4,5  
 hitting (n) 34:12,14,17  
 hold (n) 17:14 25:7  
 home (n) 1:5 12:17,19,19 27:15  
 27:20,25 29:18 31:7 33:5 34:13  
 39:23,23 40:1  
 honest (n) 22:13 23:2 53:17  
 hood (n) 35:22 36:3 38:1,2,5,12  
 38:13,17 45:13,18 48:25 53:7  
 hooked (n) 52:21,22  
 hoses (n) 7:17  
 hot (n) 45:22,24  
 hour (n) 44:19,22 47:23 48:1  
 hours (n) 5:8,10,12,13,14,17,18  
 5:20 9:14 13:25 46:4  
 house (n) 17:14,17 31:19,21,23  
 hundred (n) 15:2 27:12,21

## -I-

IAAI (n) 50:20  
 identification (n) 21:21  
 identified (n) 27:9 36:12  
 ignited (n) 30:21 36:16 37:8  
 41:7,13,15  
 ignition (n) 29:11 40:20 43:19  
 II (n) 2:14  
 immediately (n) 43:4  
 impact (n) 33:11  
 impede (n) 33:12  
 impinged (n) 31:21  
 impingement (n) 31:24 32:2

improve (v) 54:18	itself (v) 25:8 27:16 31:23 39:10	licensing (v) 49:21	52:9,10 53:2 54:2,9,11,21,24 55:2 55:4 55:8
in-house (v) 19:12,13		lifted (v) 38:8	mean (v) 22:15,18,22 28:6 37:24 38:7 41:23 46:16,23 48:4
inaccuracy (v) 36:20	-J-	lifting (v) 38:17	meaning (v) 40:18
inaccurate (v) 39:10	J (v) 1:24 2:14,22 56:3,23	light (v) 31:17	means (v) 28:7,12 40:21
incident (v) 16:9 17:2,3,4,12 17:16 18:4,5 19:17,17,18,22 20:16 21:22 22:24 27:1	J2 (v) 39:1,4	lights (v) 31:6,10,14,15,17 32:9	meant (v) 39:3
include (v) 27:14,15	JAMES (v) 1:9	likely (v) 36:24	member (v) 49:18,22,23,24 50:1,4,11,16,19,24
includes (v) 27:13	JDC (v) 11:19	limited (v) 33:12,13	mentioned (v) 9:10,15
indeed (v) 17:16	Jerry (v) 28:16	Lincoln (v) 30:19 31:2 32:17	met (v) 34:2 42:18
indicates (v) 25:11 27:22	Jersey (v) 10:7	Line (v) 22:7	metal (v) 35:21
indications (v) 35:20	job (v) 4:4 14:19 15:14,17 6:14 9:18	lines (v) 52:6	methods (v) 56:12
individuals (v) 24:8	John (v) 2:14 42:18	liquid (v) 53:14	MetLife (v) 1:5 2:8 3:21 42:20
information (v) 17:18 19:6,7 19:9,14,18,19 20:11,12,13,23 21:1,18 23:5,17 26:24,25 29:7,9 29:14 37:9,12,17 51:19,23 53:25 54:3,4	join (v) 6:24	listed (v) 10:20 24:16	might (v) 17:20 33:12 38:10 45:23 51:5,6 54:18
initial (v) 44:19	joined (v) 6:21	lived (v) 4:22	mind (v) 35:17,23 43:21
injuries (v) 27:23	joining (v) 6:22	located (v) 22:2,3 42:23	mine (v) 46:19
input (v) 29:6	Joseph (v) 12:20	location (v) 21:24 22:12,15,19 22:21 23:22,23 24:2	minimum (v) 15:13 24:19
inputted (v) 20:23 23:17	judge (v) 1:9,10 12:12,15	logical (v) 52:24	minute (v) 21:9 32:13
inside (v) 31:19 32:15 38:4 40:15 49:8 53:8,20	Judicial (v) 11:17,18 12:16	longest (v) 35:20	minutes (v) 33:16
inspect (v) 38:18	jump (v) 52:5	look (v) 18:14,25 24:17,22 35:18 46:16 47:9	Mississippi (v) 8:23 9:16,23 9:25 49:24
inspecting (v) 38:17	jurisdiction (v) 14:3	looked (v) 33:20 35:19,24 38:2 38:20 42:9 45:13 47:7 53:16,18	mistaken (v) 11:9
inspection (v) 37:19	jurisdictional (v) 19:2	looking (v) 9:20 16:25 17:19 28:25 35:19 39:2,24 40:17 45:9 47:6 48:24	mixed (v) 28:5,7
instance (v) 9:1	-K-	looks (v) 31:16 38:3 46:4	Monroe (v) 1:3,21 2:5 4:19,22 7:3,6 56:9,21
instead (v) 4:3	keep (v) 16:21,23 18:21	loss (v) 26:15,15 27:17,20	months (v) 15:11,11
instruction (v) 7:1,2,19 8:2,7	Kelly (v) 12:22	losses (v) 25:25 27:8,9,11	morning (v) 25:12 29:16 30:15 33:9 34:6,22 38:19
insulated (v) 48:8	kept (v) 16:20 32:22	Louisiana (v) 1:2,21,28 2:5,12 4:19 8:18 13:19 14:9,11 17:3,11 17:22 21:22 22:23,24 49:23 56:1 56:4,9,21	most (v) 5:13,20,25 9:18 46:24 47:14
insulation (v) 36:17 38:1 45:8 48:8	kind (v) 9:15 34:13 49:21	low (v) 27:17	motor (v) 1:11 2:2 3:4,19 12:19
insulations (v) 48:8	King (v) 12:10	lower (v) 9:5	move (v) 15:8 50:25 51:13 52:12 52:17,18
insurance (v) 17:15 35:3	KIRK (v) 1:10	LSU-Bunice (v) 5:13,18,24 6:6 6:7	moved (v) 49:15 51:3,6,12,14 54:1
intensive (v) 9:5	knew (v) 35:3 37:8	LTD (v) 2:16	Ms (v) 2:7 3:17,24 4:15 42:13 51:25 52:4,9,10 53:2 54:2,9,13 54:21,24 55:2,4
interested (v) 56:16	knowledge (v) 35:8 39:12 47:11 48:21 49:17	-M-	must (v) 14:4 37:1
interior (v) 40:6	-L-	M (v) 4:17 22:7	
International (v) 49:22 50:2	Lakeshore (v) 4:19	MACRAB (v) 2:17	
interrupting (v) 32:12	LAMB (v) 2:17	MAGISTRATE (v) 1:10	
introduced (v) 3:8	land (v) 6:15	maintain (v) 13:25	
investigate (v) 39:19 42:5	last (v) 25:1,10,11 34:21 46:10 46:11,17	maintained (v) 21:2	
investigation (v) 5:21,23 8:1 8:2,10,11,13,17 9:2,6,10,12,17 9:19,23 10:4,13,18 13:2,5,12 14:3 18:21 18:7,13 29:12,15 30:8,10 41:17 50:7,15 51:1 53:6	law (v) 1:18 56:8	makes (v) 18:12	
investigations (v) 14:2 32:7 39:20 50:12	lawsuit (v) 3:20	management (v) 9:7,8	
investigative (v) 18:4,9,15	lead (v) 6:2 45:11	manner (v) 18:2	
investigator (v) 13:18,21,22 13:23 14:4,9,12,15,17 50:21	learn (v) 7:15 9:19 50:11	manal (v) 23:14	
investigator's (v) 5:25 8:24 9:16,25	least (v) 19:20 24:15 49:12 52:15	March (v) 18:19 30:5	
investigators (v) 8:6 49:20,20 49:23,25 50:2	leaving (v) 30:5	MARK (v) 1:15 3:3,11,15 56:5	
involved (v) 9:12 12:5,10 27:16 43:10 45:19	LeBOEUF (v) 2:17	Marshall's (v) 22:24	
involvement (v) 20:4,16	led (v) 35:16 37:20 39:24	Maryland (v) 9:4	
item (v) 36:16 37:8 39:4 41:15	Lee (v) 2:10	material (v) 10:2 41:7,13	
items (v) 20:2 37:14 38:23 43:5 43:9 44:12 45:9	left (v) 6:6 17:6 25:9,11 30:3 35:1,4 46:3,8,10,11,12,13,14,14 46:23,24,25 47:3,14 48:22 49:13 51:7,8,10	materials (v) 16:14,20,23 53:14	
	lengthy (v) 23:13,14	matter (v) 9:20 10:10 20:9 29:21 34:3 38:11 44:6 46:12 56:17	
	Leroy (v) 22:8 28:9,11	may (v) 3:4 20:3 23:6,7 24:10 32:22 35:18 37:14,15 38:7,11 40:16 42:14 43:5 45:23	
	less (v) 46:4	McGlinchey (v) 1:19 2:3,7 3:17,18,24 4:15 42:13 51:25 52:4	
	letters (v) 16:16		
	level (v) 18:1		
	LFIR's (v) 17:3		
	license (v) 49:19		

nod [1] 4:14  
 none [1] 20:6  
 nor [1] 56:16  
 notations [1] 36:11  
 noted [1] 40:10 43:11,13  
 notepad [1] 16:22  
 notes [1] 16:22 18:21,23 36:11  
 notice [1] 3:4 53:13  
 noticed [1] 33:16  
 notified [1] 29:17  
 November [1] 16:6  
 now [1] 12:6,12,25 15:1 29:5  
 33:22 44:15 45:12 46:3 48:23  
 53:13,19  
 Nugent [1] 15:15  
 number [1] 6:17 9:4 17:5 21:20  
 21:21 25:21 30:1 37:14,15 50:15  
 numerous [1] 8:12

## -O-

objections [1] 3:6  
 observation [1] 26:3  
 observations [1] 35:16 36:1  
 40:4,14 43:17  
 observe [1] 39:15 42:25 43:3,9  
 observing [1] 32:15  
 obtain [1] 6:3  
 obtained [1] 10:12  
 obvious [1] 20:10 30:20,23 31:3  
 obviously [1] 28:4  
 occasions [1] 9:4  
 occupants [1] 27:25  
 occur [1] 23:24  
 occurred [1] 12:18 17:5,5 18:6  
 21:24 25:25 39:22 40:2 52:21  
 odd [1] 40:9  
 OF/AND [1] 1:6  
 off [1] 11:23 12:6 17:12 19:18  
 21:11  
 offered [1] 3:8  
 office [1] 19:13 22:24  
 officer [1] 15:18 22:8 28:9,15  
 56:4  
 offices [1] 1:18 56:8  
 offshore [1] 6:16  
 oilfield [1] 6:16  
 old [1] 38:15  
 on-scene [1] 26:3  
 On-the-job-type [1] 9:21  
 once [1] 31:18 42:4  
 one [1] 2:18 4:9 7:24 8:2,19,19  
 9:1,15 10:13,22 11:12,16,24 12:2  
 12:20,24 13:10,20 17:5 21:22  
 23:3 25:6 26:22 29:19 30:18 33:7  
 33:8 34:3 36:15 37:14 40:22  
 44:19 46:10,23,24 47:13 49:21  
 51:21 52:5  
 onto [1] 20:12 52:21,22  
 open [1] 18:9,15 23:3,4 36:3  
 38:12  
 opened [1] 23:12 53:7

opening [1] 31:15 45:18  
 openings [1] 31:14  
 operator [1] 15:10  
 opinion [1] 19:5 33:15 42:7  
 43:20,24 52:22  
 opportunity [1] 15:5 42:25 43:3  
 43:7,9 54:13  
 order [1] 18:21 29:13  
 organization [1] 49:24 50:3,22  
 organizations [1] 49:19  
 origin [1] 7:20,25 8:3 11:5,8,14  
 13:8 17:10 20:7,10,18 28:24 29:2  
 36:7 39:5,6 40:11 42:7 43:10  
 original [1] 56:19,19  
 originally [1] 47:19  
 originated [1] 31:4 37:21 43:22  
 Orleans [1] 2:12  
 otherwise [1] 53:15 56:16  
 Osachita [1] 1:27 4:25 5:2,7  
 6:8,10 7:3,6 14:15,21 20:17 56:2  
 outcome [1] 56:16  
 outside [1] 10:8 24:10  
 owner [1] 12:19

## -P-

p.m. [1] 56:10  
 p.m. [1] 56:11  
 page [1] 24:16 26:20 28:25 30:1  
 36:16 39:2,4 40:17 54:5 56:20  
 paged [1] 29:18  
 pages [1] 23:4  
 paint [1] 6:17 38:2  
 Parish [1] 1:27 4:25 5:2,7 6:8  
 6:11 7:3 14:15,21 20:17 56:2  
 part [1] 7:21,25 9:11 19:20 32:1  
 34:10 38:18 39:13 49:12,16 51:1  
 particular [1] 5:23 6:23 8:11  
 9:13 11:12 15:24 19:4 28:14  
 31:20  
 parties [1] 56:16  
 parts [1] 9:17  
 pass [1] 52:2  
 passed [1] 15:17  
 passing [1] 15:12  
 pattern [1] 40:5,8 42:4  
 patterns [1] 40:9  
 pay [1] 39:21 50:6  
 Pennsylvania [1] 2:20  
 penwriter [1] 56:12  
 people [1] 33:7 34:3 46:13,14  
 perform [1] 30:9  
 performed [1] 30:9  
 Perhaps [1] 49:9  
 permitted [1] 3:5  
 person [1] 10:9  
 personal [1] 16:14 56:13  
 personnel [1] 15:1,3 17:7 25:18  
 25:22 48:14,19 54:1  
 Peruses [1] 28:13  
 photographs [1] 32:4

pick [1] 52:16,17  
 pictures [1] 35:17  
 pieces [1] 9:17 10:19  
 Pittsburgh [1] 2:20  
 place [1] 7:2  
 PLAINTIFF [1] 1:7  
 planning [1] 48:19  
 players [1] 38:23  
 plus [1] 14:1  
 point [1] 5:9 6:18 18:3 38:10  
 44:13 45:11,20 49:6 54:19  
 police [1] 14:5  
 portion [1] 7:19 9:11  
 possible [1] 20:19 26:23 41:12  
 42:6 51:5  
 possibly [1] 24:21  
 post-course [1] 14:5  
 potential [1] 43:18  
 powers [1] 14:6  
 preparation [1] 16:11  
 prepare [1] 16:7 18:21  
 prepared [1] 56:12  
 preparing [1] 20:4  
 present [1] 28:3  
 preservation [1] 8:5  
 presume [1] 45:18  
 pretty [1] 15:5,7 32:3 33:25  
 34:1 35:2 42:11 45:7 47:12 52:15  
 prevention [1] 9:8,8 15:15,18  
 principals [1] 7:16  
 printed [1] 21:13 23:18,19  
 probable [1] 46:13  
 Procedure [1] 3:6  
 process [1] 19:25  
 prodded [1] 38:7  
 programs [1] 9:6,8  
 promotional [1] 15:6,12  
 property [1] 26:9,15 27:8,11,12  
 property's [1] 25:24  
 provide [1] 21:18 29:14 53:25  
 provided [1] 37:9  
 providing [1] 29:6  
 proximity [1] 43:5  
 public [1] 25:16  
 pull [1] 52:23  
 pump [1] 15:10  
 pumping [1] 7:16  
 purely [1] 21:13 36:1,2  
 purpose [1] 17:4 26:13  
 purposes [1] 3:5  
 pursuant [1] 3:3  
 put [1] 7:4 10:3 15:16 20:3 33:5  
 37:12 38:10,16 41:9 45:6,25 46:1  
 52:20 54:5

## -Q-

qualifications [1] 14:4  
 qualified [1] 11:2,4 13:1 14:8  
 14:11

quarterly [1] 17:24  
 questions [1] 3:20 17:8 42:14  
 42:15 44:2,5 53:24  
 quicker [1] 31:14  
 quickly [1] 15:3,7  
 quite [1] 13:22 48:25

## -R-

R.S. [1] 56:7  
 rapidly [1] 14:25  
 rarely [1] 37:16  
 rated [1] 9:6  
 read [1] 3:12 54:14,15,17  
 reading [1] 17:19  
 really [1] 13:19 15:3 18:4 20:1  
 22:17,20 23:14 31:3,11,13 32:11  
 32:21,23 33:12 34:17 44:12  
 50:10  
 rear [1] 52:17  
 reason [1] 36:24 49:5 51:13,14  
 52:12  
 reasons [1] 37:14  
 reassess [1] 26:9  
 receive [1] 8:8  
 received [1] 10:17 24:9 25:4  
 recognition [1] 11:5,10  
 recollection [1] 30:14 32:16,24  
 34:8 36:14 41:23 43:16 44:13  
 record [1] 4:6 10:24 17:15  
 records [1] 21:2  
 REEXAMINATION [1]  
 52:10 53:5  
 refer [1] 16:10 44:17  
 referred [1] 17:1  
 referring [1] 28:24  
 refers [1] 24:9  
 reflected [1] 29:10,14  
 refused [1] 13:4,7  
 regarding [1] 8:10 10:4 20:16  
 40:4 41:21  
 relate [1] 5:20  
 related [1] 5:24 25:25 50:8 56:15  
 relates [1] 8:25 10:15 14:6 18:5  
 28:2 38:3  
 release [1] 38:13  
 relevance [1] 17:23  
 remember [1] 10:6 11:24 12:5  
 12:6,16,24 29:19 30:15,17 31:6  
 31:17 32:11,14,18 33:8,9,25  
 34:10,11,19,21,22,24,25 35:23  
 39:23,23 42:3 44:10 48:4  
 remembering [1] 12:3  
 remove [1] 48:19 49:5  
 removed [1] 48:15,15 49:12  
 repeat [1] 4:10  
 rephrase [1] 4:10  
 report [1] 16:9,9,17,22,24,25  
 17:1,2,3,3,4,4 18:4,5,7,13,20,21  
 19:6,17,17,22 20:3,5,13,16,24  
 21:8,11 23:2,6,11,12,13 26:11,12  
 26:17,17,22 27:1 28:23 29:6,14



30:2 36:12,16,18,20 37:5 39:2  
40:18 41:24 43:14 44:17,18  
46:17  
reported [v] 1:23 17:18 56:11  
reporter [v] 1:25 4:1 56:3  
reporting [v] 22:25 56:12  
reports [v] 17:12,23 37:11,12,18  
requirements [v] 13:17  
rescue [v] 24:20 30:17  
reserved [v] 3:7  
residence [v] 4:20,21 28:8  
respect [v] 20:20  
responded [v] 24:10  
response [v] 25:17 29:12 33:13  
33:16  
responsiveness [v] 3:7  
rest [v] 38:3 46:13  
restarting [v] 45:11  
result [v] 49:16  
resume [v] 10:20,21  
return [v] 30:6  
review [v] 37:11,12,17  
right [v] 3:12,13 5:20 6:20 9:22  
12:6,13,23,25 14:18 19:21,24  
20:19,25 24:23 25:15,21 26:4,6  
28:11,25 29:8 31:6,13,24 36:9,15  
36:19 37:7,10,22 41:3,7 42:24  
43:2,8 44:8,9,18,21 46:5,6 47:22  
49:1,2 51:10,11,25 53:1,12 54:16  
54:23 55:1,3  
rise [v] 15:7  
Road [v] 14:1  
Robert [v] 2:10  
room [v] 39:5,6,7,8  
rules [v] 3:5,25  
run [v] 7:7  
running [v] 35:1,2

## -S-

sat [v] 43:22  
save/loss [v] 26:13  
saw [v] 40:12 42:4 46:18 53:17  
53:18,21  
says [v] 21:24 22:12 23:22,23  
24:2 25:2 27:11 28:5 29:2,3,11  
29:15 36:16,17 39:4 40:18,20,21  
40:23 41:5,7,8 44:18 46:17,19,19  
46:20  
Scalia [v] 26:21 27:7  
scene [v] 18:24,25 19:4 20:7  
25:6,12,19,20 28:18,22 29:25  
30:2,3 4:6,16 35:4 39:19,21,21  
41:21 42:22 44:7,15 46:3,14  
48:14,22 52:11  
school [v] 5:6,7,8  
schools [v] 5:15  
science [v] 5:14,19,21,23  
scientific [v] 10:10  
score [v] 15:13  
scroll [v] 28:12  
scal [v] 56:19  
second [v] 11:17

secondary [v] 12:18  
secondly [v] 17:17  
see [v] 8:17 16:14,25 20:14  
21:20,22 26:21 28:12,13 29:23  
34:15 35:17,17 40:9 41:13 49:9  
51:16 53:8  
seeing [v] 43:21 54:19  
seem [v] 34:21,24  
self-explanatory [v] 22:20  
seminar [v] 8:25 10:4  
send [v] 10:22  
seniority [v] 15:13  
sense [v] 27:14  
sent [v] 16:17  
separate [v] 8:1 18:7  
service [v] 25:16  
set [v] 56:7  
seven-page [v] 17:1  
seventy [v] 15:2  
several [v] 8:13,23 24:14 40:22  
shadow [v] 31:3 53:9  
Sharp [v] 12:15  
shift [v] 28:15,15,16,19,20  
show [v] 17:5,12,14 23:15  
showing [v] 17:16  
shows [v] 22:18 23:1 25:4,21  
27:20 28:17  
side [v] 12:23  
sign [v] 3:12 21:11 54:14,15,17  
signature [v] 56:19  
significance [v] 40:7  
similar [v] 53:21  
simply [v] 4:10 24:4 53:25  
simultaneously [v] 6:21  
single-family [v] 28:7  
sitting [v] 30:20  
situation [v] 28:21 52:19  
six [v] 6:16 15:11  
sketchy [v] 34:9,10  
small [v] 7:21  
smoke [v] 31:22 39:15,16,18  
40:2  
smoldering [v] 45:24 48:11  
some-odd [v] 4:23 5:17  
someone [v] 49:8  
sometime [v] 51:7  
somewhat [v] 39:9  
somewhere [v] 5:11 12:4  
soon [v] 19:15  
sort [v] 34:23 49:12 50:18  
sound [v] 52:24  
sounded [v] 28:3 54:19  
source [v] 41:4,5  
sources [v] 42:6,9 43:19  
southside [v] 12:4  
space [v] 39:24  
speak [v] 16:11  
speaking [v] 34:1 42:1  
special [v] 10:12 52:14

specialty [v] 10:15  
specific [v] 9:1 32:24  
specifically [v] 28:24  
spelling [v] 54:24  
splash [v] 34:18  
spoken [v] 41:21  
sponsored [v] 9:24  
sponsors [v] 10:1  
spread [v] 31:5 39:4,12  
spring [v] 8:25 10:1  
Stafford [v] 1:19 2:3 56:8  
stairway [v] 31:19  
stairwell [v] 39:24  
start [v] 6:10 21:16 48:11  
started [v] 14:22,24 17:9,9 29:5  
33:24 35:13 36:23 41:11 53:10  
starting [v] 17:10  
state [v] 1:28 8:18,22 12:23  
13:18 14:8,11 17:22,24,24 18:2  
21:21 22:23,23 49:18 56:1,4  
state's [v] 12:11  
States [v] 1:1 17:23  
station [v] 19:8 21:22,23,23,24  
24:12 25:6  
stations [v] 15:1,2  
statistical [v] 17:25 26:13  
stats [v] 17:21 18:2  
statute [v] 14:7  
stayed [v] 39:7  
Stephens [v] 12:11  
still [v] 42:23 44:7 45:5,15,22  
46:7,14,25 47:4,20 48:1  
stipulated [v] 3:2  
STIPULATIONS [v] 3:1  
stop [v] 4:11  
stopped [v] 42:11  
storage [v] 29:3  
stove [v] 12:2  
strange [v] 49:21  
street [v] 12:10 23:23,24 24:1  
stuff [v] 32:20 38:15 47:5 48:3,5  
subfield [v] 23:12,17,18  
subfields [v] 23:7  
subject [v] 44:6  
subjects [v] 6:1  
SUBROGEE [v] 1:6  
substantively [v] 54:25  
such [v] 3:8 22:25  
Suits [v] 1:20 2:4,11,18 56:9  
superior [v] 28:19,20  
supervision [v] 56:13  
supply [v] 20:18  
suppressed [v] 48:2 49:3  
suppression [v] 45:3 47:2,19  
47:21,24 48:13,18 49:12,16  
survey [v] 6:15  
suspect [v] 37:13,15  
suspicious [v] 18:12,14 32:8  
sworn [v] 3:15 56:6  
system [v] 17:3 22:25

## -T-

taking [v] 4:1 48:5  
taught [v] 16:2  
tear [v] 38:15  
techniques [v] 7:18  
telephone [v] 2:16 38:23  
telling [v] 20:7 23:23  
tells [v] 24:7 25:18 29:2 32:16  
tendered [v] 13:10  
test [v] 15:16 50:18  
testified [v] 3:15 10:24 11:7,13  
11:15,17 48:23  
testify [v] 56:7  
testimony [v] 9:7 54:25 56:5  
56:11  
Thank [v] 54:6,10 55:4  
thanks [v] 10:23  
That'll [v] 52:3  
themselves [v] 24:13 31:15  
48:14  
thinking [v] 11:23 34:14  
Third [v] 11:18,19 12:16  
thirty [v] 5:11,17 27:20  
thirty-five [v] 27:11  
thirty-hour-type [v] 8:23  
Thompson [v] 1:15 3:3,11,15  
3:17 4:17 42:18 53:6 54:9 56:6  
thoroughly [v] 49:1  
thought [v] 34:17 35:25 36:25  
thousand [v] 27:12,13,20,21  
three [v] 24:15,20 30:16  
through [v] 24:2 26:13,21 3:25 5:16  
6:25 7:14 8:4,12,19 14:5,19 17:7  
17:19 21:8,15 24:22 26:17 28:13  
45:8 47:5,6 48:9 50:22  
times [v] 7:8 11:6,9,13 17:2,6  
20:2 23:4 24:25,25 25:8,9 29:21  
33:14 37:11  
title [v] 14:19 15:18  
titles [v] 14:22  
today [v] 3:19 16:8,15 19:23  
20:17 54:10  
tomorrow [v] 54:4  
Tony [v] 26:21 27:7  
took [v] 7:12 8:19,20 31:20  
tools [v] 38:15  
top [v] 11:23 12:2,6 21:15 32:9  
38:2  
topic [v] 8:1 9:1 11:17  
topics [v] 8:24  
torn [v] 30:18  
totally [v] 47:8 53:22  
touch [v] 38:4  
tough [v] 52:15  
toward [v] 47:15  
towards [v] 47:16  
Tower [v] 1:20 2:4 56:9  
town [v] 12:4 22:3  
track [v] 22:13

tract [n] 22:12,16,19  
 training [n] 5:17 6:23 7:5 8:8  
 8:18 9:2,12,21 10:17 13:16  
 transcribed [n] 56:13  
 transcript [n] 56:14,18  
 travel [n] 12:17,19  
 truck [n] 7:17 15:10 19:4,15,16  
 24:20 27:5,6 32:23  
 trucks [n] 17:6 24:14,16,20 25:6  
 33:14 46:22  
 true [n] 56:14  
 try [n] 4:7 30:14  
 trying [n] 23:13  
 turn [n] 16:22,23  
 turned [n] 17:23 28:18  
 Turning [n] 39:2  
 Tuscaloosa [n] 8:22  
 twelve [n] 7:1,13,19,21 8:7  
 twelve-week [n] 7:9  
 Twenty [n] 4:23  
 two [n] 7:5 11:24 13:20,23,25  
 27:21 33:7,8 37:13,15 44:11,13  
 46:4 50:6  
 type [n] 5:16 8:8 10:17 26:21  
 32:9 41:7  
 typed-up [n] 16:24  
 types [n] 25:22  
 typically [n] 27:2,3 32:6 39:19  
 typo [n] 54:22

## -U-

under [n] 23:22 27:9 30:20 35:2  
 38:1 39:3 41:15 45:13 48:24  
 53:16,18 56:13  
 undergo [n] 6:22 8:8  
 understand [n] 4:9 30:23  
 undetermined [n] 29:12,15  
 40:23 41:5  
 unit [n] 12:18 25:2,10,11,11 30:1  
 30:17 44:23 46:17  
 United [n] 1:1 17:22  
 units [n] 17:6 25:22 46:25  
 unless [n] 18:11 32:8 37:18 38:9  
 49:7 51:3  
 unusual [n] 38:21  
 up [n] 12:17 15:8 18:25 19:1  
 22:3 23:4,12,15 30:18 31:5,6  
 31:18,19 34:11,13 38:15 39:24  
 45:3,8,10 47:4,25 48:1,3,7,11  
 49:7 51:9 52:17,17,20 53:7  
 Upper [n] 9:5  
 used [n] 3:4 19:20 34:20  
 using [n] 19:18  
 usually [n] 19:3

## -V-

valid [n] 56:18  
 value [n] 25:24 26:13,15,15 27:9  
 27:9,12,21  
 values [n] 26:1  
 variety [n] 6:14 17:8 23:2

various [n] 5:15  
 varying [n] 6:1  
 vehicle [n] 9:1,10,12,16,19 10:4  
 10:13 13:2,5,11 29:3 30:21,24  
 33:20,22 34:5,20,20 36:23 38:3  
 38:13,21 45:19 47:5 48:25 49:6  
 52:12 53:14,19  
 vehicles [n] 27:16 30:21 42:22  
 43:4,22 46:7 47:13 48:14,20  
 49:11 50:25 54:1  
 verbalize [n] 4:2  
 VERSUS [n] 1:9  
 VIA [n] 2:15  
 visible [n] 36:1  
 visual [n] 36:1,2,3 37:19  
 visually [n] 38:17

## -W-

wait [n] 4:5,7  
 waive [n] 54:15  
 walk [n] 19:1  
 walking [n] 39:23 48:24  
 walls [n] 40:6  
 WANDA [n] 1:24 56:3,23  
 wants [n] 50:10  
 warm [n] 45:23  
 washed [n] 35:21  
 water [n] 39:17 45:6,25 46:1  
 week [n] 7:19  
 weeks [n] 7:1,13,23 8:7  
 welcome [n] 54:8 55:5  
 WESTERN [n] 1:2  
 whatsoever [n] 45:3  
 wherever [n] 17:17  
 whited [n] 35:21  
 whole [n] 17:4,23 52:16  
 William [n] 2:22  
 winch [n] 52:23  
 windows [n] 34:16  
 Winters [n] 12:11  
 wire [n] 36:17 37:3 41:15  
 wish [n] 54:15  
 within [n] 23:7 40:5 46:11 50:25  
 52:25  
 without [n] 47:10  
 witness [n] 3:11,23 4:14 42:16  
 51:25 52:3 54:12,17,23 55:1,3,5  
 words [n] 15:9 19:3 25:15 28:18  
 40:21 43:4 46:15 47:9  
 worked [n] 5:1 6:14,15  
 writes [n] 21:9  
 writes [n] 19:6  
 Wyrick [n] 2:22 44:1,2,4 52:4,7  
 53:2,4,5

## -Y-

y'all [n] 16:16,18 54:3  
 year [n] 5:3 8:25 10:1  
 years [n] 4:23 6:15,16,17 13:25  
 14:20 44:13 50:15

yet [n] 30:23

COUCHITA PARISH FIRE DEPARTMENT

Incident Report

Page 1

Prepared: 11/18/04, 9:51:28

Program: FI100L

A 37010 LA 1/13/02 Sta #1 01-1602-0001000-000 WPIS - 1  
FOID State Incident date Station Incident number Page

B No Street address Yes  
Alternative location Census tract Location Emergency

1157 PINKS HIDEAWAY RD, MONROE, LA, 71203  
Address

C Building fire  
Incident type

D None  
Aid given or received

EL	Date	Time	Rz B Shift	District 5
Alarm	1/13/02	5:38:10	Shift	Alarm District
Arrival	1/13/02	5:46:12		
Controlled	0/00/00	0:00:00		
Last unit cleared	1/13/02	6:10:43		

F Extinguish  
Primary action taken (1)

G1	Yes	Apparatus	Personnel	No	G2	Losses	Value
Apparatus/	Suppression	4	7	Resource counts	Property	15000	500000
personnel	EMS	1	2	include aid	Contents	10000	250000
Force used	other	3	2	received resources			

H1	Deaths	Injuries	H2 Detector alerted occupants	H3 None
Fire service	0	0	Detector	Hazardous materials release
Civilian fire	0	0		

I Not mixed use | J 1 or 2 family dwelling  
Mixed use property | Property use

K1	Reporting party	Phone Number	Business name
[Redacted]	Involvement type	0/00/0000	
[Redacted]	Gender	Age	Birth date
[Redacted]			

M	Reporting party	Phone Number	Business name
LEROY DANIELS	DISTRICT CHIEF	DIST CH	1/13/02
Officer in charge	Position or rank	Assignment	Date
DEBRA MCBRIDE	DISPATCHER	COMM OFFICER	1/13/02
Member making report	Position or rank	Assignment	Date

PA05-005-LC-6783

Prepared: 11/18/04, 8:51:28

Program: FI200L

A	17010 LA	3/13/02	Sta #1	01-2002-0001008-000	
	FDID State	Incident Date	Station	Incident number	Narrative

B Narrative type: Incident

Narrative title	Entry date	Entered by employee
Original Report-CAD	3/13/02	1477 DEBRA MCBRIDE
020720066		

Call#: 020720066 Beat: Station 1

Units.: C2

Units.: C31 Employees: 0000000473 THOMPSON, GREG

Units.: C5

Units.: B101

Units.: B105

Units.: B201

Units.: B209

Units.: R1

EMERGENCY ENROUTE/ C11 CALLED 6:07

STARTED IN GARAGE IN ENGINE OF FORD BRONCO; UNKNOWN CAUSE. 2 VEHICLES  
BURNED 1)1995 FORD BRONCO LICENSE#S554902 LA APPROXIMATELY WORTH \$8000  
2)1996 LINCOLN NAVIGATOR LICENSE#LA GND 174 APPROXIMATELY WORTH \$1500  
0

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

\* \* \* \* \*

PLAINTIFF

VERSUS

CIVIL ACTION NO. CV03-0782M  
JUDGE JAMES  
MAGISTRATE JUDGE KIRK

FORD MOTOR COMPANY, ET AL,  
DEFENDANT

\* \* \* \* \*

DEPOSITION OF

THOMAS J. JOHNSON

December 7, 2004

\* \* \* \* \*

At Law Offices Of:

McGlinchey Stafford  
1811 Tower Drive, Suite A  
Monroe, Louisiana 71201

\* \* \* \* \*

Reported By:

WANDA J. EADY  
CERTIFIED COURT REPORTER  
CERTIFICATE NO. 87255  
PARISH OF OUACHITA  
STATE OF LOUISIANA

## APPEARANCES:

FOR FORD MOTOR COMPANY:

McGLINCHEY STAFFORD

1811 Tower Drive, Suite A

Monroe, Louisiana 71201

appearing herein by and through

Ms. Deirdre C. McGlinchey

FOR

New Orleans, Louisiana

appearing herein by and through

Mr. John J. Fischesser, II

VIA

TELEPHONE:

FOR ALLEN FURNITURE, LTD.:

LANCELOT, LANE, GREENE &amp; MCKIN

One Gateway Center, Suite 1600

428 Fort Duquesne Boulevard

Pittsburgh, Pennsylvania 15222

appearing herein by and through

Mr. William J. Wyrick

\*\*\*\*\*

Page 2

Page 4

MS. McGLINCHEY: We have trial coming up in April, and that's why you received the Notice of Deposition subpoena from our office.

## EXAMINATION BY MS. McGLINCHEY:

Q Let's get some background information from you, please.

A Okay.

Q Would you give me your full name?

A [REDACTED]

Q And let me start first by asking you whether you've given a deposition before?

A Uh-huh (yes).

Q So you are generally familiar with the ground rules?

A Yeah.

Q Let me just go over a few basics quickly. The court reporter here is taking down everything that we say, so if you would please be sure to verbalize your answer instead of nodding your head, that will make her job a lot easier and the record clear. If you don't understand my question or simply want me to repeat it or rephrase it, just stop me, ask me to do that and I'll be happy to do so.

A Okay.

Q If you answer my question, I am going to assume that you understood it. All right?

Page 3

Page 5

## STIPULATIONS

It is stipulated and agreed among counsel that this deposition of [REDACTED] is taken pursuant to Notice by counsel for Ford Motor Company, and may be used for all purposes permitted by the Federal Rules of Civil Procedure. All objections except as to the form of the question and responsiveness of the answer are reserved until such time as the deposition is offered and introduced into evidence.

\*\*\*\*\*  
The witness, [REDACTED] was advised of his right to read and sign this deposition, and he elected to waive that right.

\*\*\*\*\*  
[REDACTED] being first duly sworn, testified as follows:

MS. McGLINCHEY: [REDACTED] my name is Deirdre McGlinchey, and I represent Ford Motor Company in a lawsuit that has been filed against it and [REDACTED] by MetLife, individually and on behalf of [REDACTED], and we're here today to ask you some questions about that lawsuit. You have been identified as a witness, possibly an expert witness, on behalf of MetLife and [REDACTED].  
WITNESS: Okay.

A Okay. Sure.  
Q And if you will wait until I finish asking my question before you answer it, it will make her job easier, and I will try to do the same for you and wait until you finish answering my question before I ask the next one.

A Okay.  
Q [REDACTED] what is your address?

A [REDACTED] Avenue, Monroe.

A Right.  
Q Okay. And what is your phone number, please?

A [REDACTED]

Q And what is your occupation?

A Sales rep for John Rea Realty.  
MR. WYRICK: I'm sorry. Could you say that again? I couldn't hear.

A Sales rep for John Rea Realty.  
Q Okay. And how long have you been employed by John Rea Realty?

A Six, seven years.  
Q All right. Briefly, sir, what is your educational background?

A Some college.  
Q Where did you graduate from high school?  
A Neville.

1 Q What year?  
 2 A '79.  
 3 Q All right. And where did you participate in some  
 4 college studies?  
 5 A LSU and Northeast.  
 6 Q But you didn't actually get a college degree from  
 7 either of those institutions?  
 8 A Right.  
 9 Q Before you started working for John Rea, briefly,  
 10 what did you do?  
 11 A Restaurant.  
 12 Q In what capacity were you employed by a restaurant?  
 13 A I owned Subway in Bastrop and opened Trio's as a  
 14 partner with my family.  
 15 Q Do you still own Trio's?  
 16 A No. Family does.  
 17 Q I eat there often.  
 18 A My recipes.  
 19 Q All right. So after your involvement with Trio's,  
 20 you then went to work for John Rea?  
 21 A Right.  
 22 Q Who is your boss or supervisor at John Rea?  
 23 A John Rea.  
 24 Q Is he back in town?  
 25 A R-E-A.

1 Q Yeah. I should know that. Is he back in town? Is  
 2 he working today? I know he was away for a while.  
 3 A He wasn't in the office today, so I don't know.  
 4 Q He was away for a while. He's back full-time  
 5 working?  
 6 A Oh, yeah. Oh, yeah, yeah. I see what you're  
 7 saying. Yeah.  
 8 Q His little tax issue there, spent some time in  
 9 jail, I think?  
 10 A Yeah. Uh-huh (yes). In school. Uh-huh (yes).  
 11 Q School? Okay. Do you plan to give testimony at  
 12 the April trial in this lawsuit?  
 13 A Ah,—  
 14 Q Have you been asked to give testimony?  
 15 A No.  
 16 Q To your knowledge, have you been retained by any  
 17 party in this lawsuit to offer an opinion?  
 18 A No.  
 19 Q To the best of your recollection, have you ever  
 20 spoken with any of the parties involved in this lawsuit?  
 21 A Not that I remember.  
 22 Q Okay. Do you recall issuing a report or a letter  
 23 in connection with this lawsuit?  
 24 A A copy that was sent to me, I certainly—once I saw  
 25 it, yeah, I definitely did that.

1 Q Let me show you what I have in front of me,—  
 2 A Okay.  
 3 Q --and tell me if you recognize it, please. It's  
 4 two pages.  
 5 MS. McGLINCHEY: And we will go ahead and  
 6 attach this to his deposition, unless there is  
 7 an objection.  
 8 A Yeah.  
 9 Q You do recognize that?  
 10 A Yes.  
 11 Q Why don't you keep that copy in front of you—  
 12 A Okay.  
 13 Q --because I'm going to ask you some questions about  
 14 it.  
 15 A All right.  
 16 Q Before we get to it, I got off the topic of your  
 17 education. Other than what you told me, have you gone  
 18 through any type of vocational training or courses?  
 19 A Oh, real estate courses.  
 20 Q Tell me about that, please.  
 21 A There's—I don't remember how long the course was,  
 22 but there's maybe a six-month course maybe. I don't remember  
 23 how long it was. Whatever course it was to take—to study  
 24 before you take your license test.  
 25 Q Okay. So you took some courses in real estate, the

1 field of real estate,—  
 2 A Yes.  
 3 Q --before you took your real estate license test?  
 4 A Right.  
 5 Q Okay. Do you recall where you took those courses?  
 6 A At the Northeast Board of Realtors office.  
 7 Q And did you pass those courses or—  
 8 A Yes.  
 9 Q What about the test for your real estate license?  
 10 Did you pass that?  
 11 A Yes.  
 12 Q When was that?  
 13 A Same time, six or seven years ago whenever I  
 14 started with John Rea.  
 15 Q Is your real estate license something that's  
 16 required to be kept up through continuing hours in real  
 17 estate?  
 18 A Yes.  
 19 Q How does that work?  
 20 A I think it's eight hours continuing ed each year,  
 21 and that's about it. Yeah.  
 22 Q Is your license current?  
 23 A Yes.  
 24 Q Okay. Other general background questions. Have  
 25 you ever testified in court as a witness in the field of real

Page 10

1 estate?  
 2 A Yes.  
 3 Q On how many occasions?  
 4 A Once.  
 5 Q Tell me about that.  
 6 A It was a deal with [REDACTED] and I don't remember  
 7 the other man's name but he was out of Houston, on Kingston  
 8 Apartments. Gave my opinion on rental income.  
 9 Q On the value on rental income?  
 10 A Uh-huh (yes).  
 11 Q Who was the judge? Do you recall?  
 12 A No, I don't.  
 13 Q Where was that trial?  
 14 A City of Monroe, I believe.  
 15 Q Was it City Court or was it in the parish  
 16 courthouse down by the river?  
 17 A It was City.  
 18 Q City Court?  
 19 A Yeah.  
 20 Q Do you recall what attorneys were involved?  
 21 A [REDACTED] attorney was Guerriero.  
 22 Q Okay. Joe D. or Jeff?  
 23 A Jeff-- No. Joe D. Joe D. And the other was--he  
 24 was out of Slueveport. I don't recall his name.  
 25 Q Okay. Has any court ever refused to qualify you as

Page 11

1 an expert in the field of real estate?  
 2 A No.  
 3 Q Have you ever been asked other than the lawsuit  
 4 between Hakim and the Kingston Apartments to testify in  
 5 court?  
 6 A No.  
 7 Q Other general background information, and please  
 8 don't be offended.  
 9 A That's okay.  
 10 Q Have you ever been convicted of any crime?  
 11 A Yes.  
 12 Q Okay. Tell me about that, please.  
 13 A It was cocaine.  
 14 Q Okay. And did you serve any time?  
 15 A No.  
 16 MR. FISCHESSE: I'm sorry. Can we clarify  
 17 that? Was it possession?  
 18 A Possession with intent to distribute.  
 19 Q And when was that?  
 20 A Oh, fifteen years ago.  
 21 Q Have you ever been charged with any crime since  
 22 then?  
 23 A No. And I might add that I got a governor's pardon  
 24 on that, too.  
 25 Q Did you serve some parole or anything?

Page 12

1 A Probation.  
 2 Q Probation? That's what I meant. Who was your  
 3 probation officer? Do you remember?  
 4 A No. I don't remember.  
 5 Q Do you remember what your sentence was?  
 6 A Two and a half years probation.  
 7 Q Okay. Let's talk about the papers that we have in  
 8 front of us.  
 9 A Okay.  
 10 Q Can you tell me what they are?  
 11 A It was a BPO.  
 12 Q What's that?  
 13 A Broker's Price Opinion.  
 14 Q Okay. And you are referring to page 2?  
 15 A Right. Yeah. I'm sorry.  
 16 Q And what date is on that letter, on that BPO?  
 17 A This--the front page is not anything--I didn't do  
 18 anything here.  
 19 Q Okay. Page 1, it looks like it's on [REDACTED] Auto &  
 20 Home stationery?  
 21 A Right. Yeah. Right.  
 22 Q Have you ever seen that before?  
 23 A No.  
 24 Q Okay.  
 25 MS. McGLINCHEY: Well, then, let's just attach

Page 13

1 page 2, then. Actually, let's go ahead and  
 2 attach both, if that's okay.  
 3 MR. FISCHESSE: Can we go off the record for  
 4 a second?  
 5 MS. McGLINCHEY: Sure.  
 6 (OFF RECORD)  
 7 EXAMINATION BY MS. McGLINCHEY, continuing:  
 8 Q We're back on the record, and I understand that the  
 9 first page that we are attaching would have just been a cover  
 10 letter, as best we can tell, from the [REDACTED] adjuster.  
 11 Okay. Let's talk about the BPO which we are referring to as  
 12 page 2. Can you tell me when you first saw this and how this  
 13 came about to have your signature?  
 14 A When I first saw that recently or--  
 15 Q The very beginning. What I want to know is what  
 16 this is, what it means and what your involvement is.  
 17 A Apparently, someone called and asked for a BPO out  
 18 of Pittsburgh. People call all the time and they'll ask for  
 19 a price opinion on a piece of property. Back when I first  
 20 started with John Rea, I took a lot of floor duty, which is  
 21 the calls that come in, there is an assigned agent to take  
 22 the calls that come in. And you get a lot of requests for  
 23 these.  
 24 Q Okay. And they're called BPO's?  
 25 A BPO's.



Page 14

1 Q And it's a fairly common thing within the--  
 2 A Very common. Yeah.  
 3 Q Okay. So as best you can recall, there was a  
 4 request for you to do a BPO?  
 5 A There must have been, yeah.  
 6 Q Do you recall or can you tell who would have  
 7 requested that of you?  
 8 A I have no idea.  
 9 Q Okay. Did you, in fact, issue a BPO?  
 10 A Well, this is--yeah, this is it.  
 11 Q Okay. What date is that?  
 12 A 3-21-02.  
 13 Q There is some handwriting at the top here, "ALE."  
 14 Is that your handwriting?  
 15 A No.  
 16 Q Do you know what "ALE" stands for?  
 17 A No idea.  
 18 Q And it says, "16 months @ \$4,200.00/month =  
 19 \$67,200.00." Correct?  
 20 A Correct.  
 21 Q Okay. Could you read for me this letter or the  
 22 paragraph above your signature?  
 23 A Uh-huh (yes). Sure. "I have completed a market  
 24 analysis for rental values on Finks Hideaway Road, Monroe,  
 25 La. In my opinion, current rental rates are on average

Page 15

1 \$12.90 per square foot. I would value 1157 Finks Hideaway  
 2 Road at a monthly rent of \$4,200.00. Please feel free to  
 3 contact me if you have any questions. Thank you.  
 4 Sincerely."  
 5 Q And is that, in fact, your signature?  
 6 A Yes.  
 7 Q Okay. Do you have any independent recollection of  
 8 signing this letter?  
 9 A Do I have any recollection?  
 10 Q Do you remember signing this letter?  
 11 A Not specifically, no. But I'm sure that's my  
 12 signature.  
 13 Q Okay. Do you recall completing a market analysis  
 14 for rental values on Finks Hideaway Road?  
 15 A Yeah. And it was--  
 16 Q Well, tell me everything you recall about it.  
 17 A Do I recall this specific, doing it?  
 18 Q Correct.  
 19 A No.  
 20 Q Do you know what property is referenced when they  
 21 say "on Finks Hideaway Road"?  
 22 A 1157, but I don't remember it.  
 23 Q You don't know whose property that is?  
 24 A No.  
 25 Q If you don't have any independent recollection,

Page 16

1 then tell me generally what would have gone into a market  
 2 analysis for rental values. How does that work?  
 3 A Pulling up on MLS--  
 4 Q What is "MLS"?  
 5 A Multi-Listing Service. You pull comparable sales  
 6 and rental values.  
 7 Q Multi-Listing Services, is that some type of  
 8 computer program?  
 9 A Yes.  
 10 Q Okay. Is that something exclusive to John Rea, or  
 11 is that throughout the real estate industry?  
 12 A No. Throughout. Yeah.  
 13 Q Is that something that John Rea currently uses?  
 14 A Sure. Yeah.  
 15 Q Do you know whether that is used industrywide  
 16 presently?  
 17 A Yes.  
 18 Q Okay. And how does that program work?  
 19 A Well, it's a record of all the active listings of  
 20 properties that have been sold, properties that have expired,  
 21 listings that have expired.  
 22 Q And how would you have done an analysis?  
 23 A Well, you pull up active listings sold, anything  
 24 that may have been rented in the area--in that general area.  
 25 Q Okay. And then, what do you do?

Page 17

1 A Well, you get an average.  
 2 Q An average what?  
 3 A An average rental or sales. Now, when I do--  
 4 especially on rentals, say a property value--let's say it  
 5 sold at a hundred thousand dollars (\$100,000). To put a  
 6 value of the rent to get a twelve percent net return, you  
 7 take the taxes and insurance out and you would say one  
 8 percent of that hundred thousand (\$100,000), so it would be a  
 9 thousand dollars (\$1,000) a month, which would equal a twelve  
 10 percent return.  
 11 Q Okay. So how would you have come up with the  
 12 numbers here that are twelve ninety (\$12.90) per square foot  
 13 and the monthly rental of forty-two hundred (\$4,200)?  
 14 A From whatever I pulled off the MLS, I used those  
 15 numbers to calculate.  
 16 Q And MLS would have--if you plugged in the address  
 17 of 1157 Finks Hideaway Road, MLS would have then calculated a  
 18 current rental rate at twelve ninety (\$12.90) per square  
 19 foot?  
 20 A No, no. You're not pulling the 1157 Finks  
 21 Hideaway. You're pulling of an area. Say 165 North area.  
 22 Q Can we take this 1157? What area would you have  
 23 pulled from for this 1157 Finks Hideaway Road?  
 24 A We have a map that has all the numbers, specific  
 25 areas. I don't know what that is off the top of my head.

Page 14 - Page 17

ER05-005-LC-5708

Page 18

1 Q Okay. Where is that map kept? Is that part of the  
2 MLS system?

3 A Yeah. Yeah, it's part of the MLS system. Yeah.

4 Q So you would go find this address on the map, and  
5 that would give you then a larger area that you would then  
6 input into the system?

7 A Right. Garden District, for instance, because I do  
8 know that off the top of my head, is 113. So all of the  
9 Garden District is 113. So you wouldn't put in one specific  
10 address. You're pulling up all of the Garden District.

11 Q So an area in which 1157 Finks Hideaway Road is  
12 located is designated a number?

13 A Right.

14 Q So you would have put that number into the MLS  
15 system?

16 A Correct.

17 Q And then, what information would have been  
18 generated as a result of that?

19 A Well, depends on what I ask. If I ask for all the  
20 "solds," all the—you can narrow it down. You can put in  
21 past sales for a year, you can put in past sales for two  
22 years, past six months. You can ask for all active, expires,  
23 you know,--

24 Q Do you recall what you would have asked for in this  
25 situation?

Page 19

1 A Probably "solds" and "actives."

2 Q Okay. And what information would have been  
3 generated as a result of that?

4 A All the properties that are currently listed for  
5 sale and all of the properties that have been sold within the  
6 time-period that I would have put in.

7 Q And how would you have arrived at a monthly rental  
8 based on that information?

9 A Again, you would get the average of--just as I  
10 said, on a sold property, I always work off the twelve  
11 percent net. I would add that into anything that may have  
12 popped up as a rental.

13 Q Okay. So this system would allow you to estimate  
14 an average monthly rental?

15 A Right.

16 Q Would it also allow you to estimate the sale value?

17 A Yes.

18 Q Because I understand that 1157 Finks Hideaway Road  
19 is actually a residence.

20 A Okay.

21 Q So do you have any idea why you would have been  
22 calculating average monthly rental instead of a sales value?

23 A Well, and that's part of the problem with doing--a  
24 computer, you're looking at nothing but the numbers. So for  
25 someone to call in and ask something like this, I'm pulling

Page 20

1 off a general area.

2 Q Okay. This MLS program, however, could have also  
3 told you the sale value of a residence on Finks Hideaway  
4 Road. Correct?

5 A Sure.

6 Q And for some reason, we don't know why, you  
7 actually calculated the monthly rental value of this  
8 residence?

9 A Well, I'm sure the reason that I did that is  
10 whoever asked me to do this asked for a monthly rental value.

11 Q So as best you can tell, you were probably  
12 specifically asked the monthly rental value as opposed to a  
13 sale value?

14 A Exactly. Because normally when you do a BPO,  
15 people call and ask for the sale value in anticipation of  
16 selling their house.

17 Q Right.

18 A This is how the process starts, being a realtor.  
19 They'll call and ask, "What's my house worth?" You do a BPO,  
20 and that kind of starts the process.

21 Q Have you ever before been asked to value property  
22 that has sustained a loss like fire damage?

23 A No.

24 Q If someone's residence has sustained fire damage  
25 and you wanted to find out the value of the property, would

Page 21

1 you calculate the monthly rental or the property value cost?

2 A If there had been a fire? Well, you would have to  
3 take the improvements out because, I mean, I guess, depending  
4 on the value of--I mean, the damage of the fire, if it was a  
5 total loss, then you're doing nothing more than just giving  
6 your estimate on the lot itself. So all improvements would  
7 have to come out. Then, you would have to go in and you can  
8 eliminate that in the MLS, which would be strictly comparing  
9 lots to lots, lots that have sold in that area.

10 Q So the MLS program does allow you to value the lot  
11 solely?

12 A Yes.

13 Q What if a house had sustained some damage? Would  
14 you require an estimate of the loss in order to arrive at an  
15 accurate value of the property in its state after it had been  
16 burned, say?

17 A Sure.

18 Q If we wanted to confirm these estimates of the  
19 monthly rental that are provided in this March 21, 2002,  
20 letter, is there a way to search MLS today for the values as  
21 they were back in 2002?

22 A I would think that there is. I don't know how far  
23 back because most of the time when you do a BPO you're doing  
24 it strictly for that day. So you're not going too far back.  
25 You know, you may go back a year. I think most appraisers go

Page 18 - Page 21

Page 22

1 back six months. How long does the data stay in? I don't  
2 know. I don't know.

3 MS. McGLINCHEY: Those are all the questions I  
4 have.

5 (To Mr. Wyrick): Bill?

6 MR. WYRICK: I just have a few questions.

7 EXAMINATION BY MR. WYRICK:

8 Q If I understand your testimony correct, sir, you  
9 are saying basically that you couldn't—you don't think you—  
10 you're not sure, at least, that you could go back today and  
11 recalculate that number?

12 A Oh, okay. I think that's put differently to me.  
13 Could I go back today and recalculate that number?

14 Q In other words, what the rental value of that  
15 property was as of the time that you did it.

16 A Oh, as of the time I did it? I don't know the  
17 answer to that.

18 Q Do you recall any discussion with whomever it was  
19 that wanted the Broker Price Opinion?

20 A No, sir.

21 Q You have no way of knowing why they asked for a  
22 rental value as opposed to a sales value?

23 A No, sir.

24 Q I want to make sure I understand—

25 A Other than, you know, I would have assumed that

Page 23

1 they were looking to rent their house or their property.

2 Q Okay. Now, let me make sure that I understand how  
3 you calculate the value. Do sales prices of properties in  
4 the area come into play?

5 A Yes.

6 Q Do rental prices that you are able to research also  
7 come into play?

8 A Yes.

9 Q And you come up with some formula that gives you a  
10 number of dollars per square foot rental value?

11 A Yes.

12 Q And then, am I correct that you took the square  
13 footage of the Harrow residence and multiplied it basically  
14 by the dollar value per square foot you came up with?

15 A Right. And apparently, because it's not in this  
16 letter of the square footage, they must have told me on the  
17 phone what it was because I see where I put a value per  
18 square foot, but I don't see anywhere where I named the  
19 square footage. So this must have been something that was  
20 done rather quickly.

21 Q I got you. You certainly didn't go out to the  
22 house and measure the square footage?

23 A No. Not that I remember. But normally, especially  
24 because of where these are generated, unless someone is  
25 paying for a BPO, you get a little bit more detailed. Calls

Page 24

1 coming in, a lot of people are just shopping and checking.

2 Until you get more of a commitment-- No, I doubt seriously  
3 that I drove by this property.

4 Q Okay. So the level of your expertise involved in  
5 offering this opinion is basically your analysis of the  
6 information that was available to you as to the sale prices  
7 and rental prices for properties in the area?

8 A Correct.

9 Q The address on Finks Hideaway Road, is that a high-  
10 end address?

11 A Is that a high-end address? There are a lot of  
12 high-end homes on Finks Hideaway. There are some medium  
13 homes on Finks Hideaway. It depends on what end of Finks  
14 Hideaway you're on. But all in the same area, and that's—  
15 according to the MLS.

16 Q Well, when you calculated this rental value, did it  
17 include sales and rental values from both the high and the  
18 low end of this area?

19 A I don't even remember doing this. I would feel  
20 very sure that you would take a high end and a low end.  
21 That's what you look for to get some kind of medium number.  
22 Sometimes, you may run a whole area and you may get nothing  
23 more than two sales, and your average may be thrown way off.  
24 It just depends on what pops up. I don't—

25 Q Okay. Now, you came up— I'm sorry. I don't have

Page 25

1 a copy of the BPO in front of me. What was the square foot  
2 rental price that you came up with?

3 A Twelve ninety (\$12.90).

4 Q And what was the total monthly rental value that  
5 you came up with?

6 A Forty-two hundred (\$4,200).

7 Q Maybe you're better at math than I am, but how many  
8 square feet does that come out to?

9 MS. McGLINCHEY: He's got a calculator handy,  
10 I think.

11 A Let's see (calculating). No, that's not right.

12 Q Somewhere over three thousand square feet.  
13 Correct?

14 MS. McGLINCHEY: We've got a calculator right  
15 here. I think it was, like, thirty-two five.

16 A Yeah. Thirty-two five. Thirty-two fifty-five.

17 MR. FISCHESSE: Three thousand two hundred  
18 fifty-five?

19 WITNESS: That's—I'm coming up—oh, I know—

20 MR. FISCHESSE: Because when I do it, I  
21 divide it by—

22 WITNESS: You know what we're doing? You know  
23 what we're doing?

24 MR. FISCHESSE: I got three twenty-five.

25 WITNESS: You know what we're doing? The

Page 22 - Page 25

Page 26

1 twelve ninety (\$12.90) is--  
 2 MR. FISCHESSE: It's forty-two hundred  
 3 (\$4,200) divided by twelve point nine (12.9).  
 4 WITNESS: Or is it-- It's forty-two hundred  
 5 (\$4,200) times twelve months divided by twelve  
 6 ninety (\$12.90), I think is the way you come  
 7 up with it, and that's thirty-nine -0- six.  
 8 Let me double-check that. Forty-two hundred  
 9 (\$4,200) times twelve months divided by twelve  
 10 point nine (12.9). Yeah.  
 11 MR. FISCHESSE: Okay. So what was the total  
 12 square footage?  
 13 WITNESS: Thirty-nine hundred, I believe.  
 14 Let's see.  
 15 A Three thousand nine -0- six.  
 16 Q So based on the calculation you just did, it would  
 17 appear that we're talking about a thirty-nine hundred square  
 18 foot home?  
 19 A Right.  
 20 Q Do you have any understanding as to why you were  
 21 asked to calculate the rental value of this home?  
 22 A No. Just another call.  
 23 Q Now, having calculated that value of approximately  
 24 forty-two hundred dollars (\$4,200) per month, have you in  
 25 your experience working with John Rea Realty successfully

Page 27

1 rented any homes in that area for forty-two hundred dollars  
 2 (\$4,200) per month?  
 3 A I really don't do a lot of homes.  
 4 Q What kind of work do you usually do?  
 5 A I lean more towards commercial.  
 6 Q And you said you've been working with John Rea  
 7 Realty now for about six or seven years?  
 8 A That's correct.  
 9 Q In that six- or seven-year period of time, how many  
 10 homes have you sold?  
 11 A I have no idea.  
 12 Q What? More than ten per year?  
 13 A Ten per year? Possibly.  
 14 Q More than twenty per year?  
 15 A No.  
 16 Q In that same period of time, how many homes have  
 17 you rented?  
 18 A None come to mind.  
 19 Q In that same period of time, how many of these  
 20 BPO's have you been asked to complete?  
 21 A Oh, I have no idea. Probably more than twenty.  
 22 Q More than twenty BPO's total?  
 23 A Yes.  
 24 Q In seven years?  
 25 A Yes.

Page 28

1 Q How many of the BPO's that you completed were for  
 2 rental value as opposed to sales value? Would you say more  
 3 than twenty?  
 4 A I have no idea, but I would put it at a very low  
 5 number.  
 6 Q Now, the calculation or the analysis that you  
 7 performed to arrive at the twelve dollar and ninety cent  
 8 (\$12.90) square foot price, do you know whether residential  
 9 properties are rented on a square foot price basis?  
 10 A Probably not. That's more commercial.  
 11 Q Are you aware of any guideline or standard for  
 12 realtors that sets forth that it's reasonable to calculate  
 13 residential rental values on a square foot basis in the way  
 14 that you calculated it for this particular letter?  
 15 A I'm sorry. Would you repeat that?  
 16 Q Are you aware of any standard for realtors that  
 17 sets forth that it's reasonable to calculate a rental value  
 18 for residential property on a square foot basis in the way  
 19 that you calculated it in this instance?  
 20 A Well, sure. I mean, realtors, we sell homes by per  
 21 square foot. To break it down to a rental, absolutely, yeah,  
 22 there's a standard and a procedure to do it. Like I said, I  
 23 lean more towards commercial and we--it's common for us to  
 24 think that way. So for me to put a per square foot, yeah,  
 25 it's quite common, if I'm understanding you.

Page 29

1 Q Can you tell me what relation the sale price of a  
 2 home on Finks Hideaway Road on the high end, let's say, has  
 3 to the rental price of that home? How does it calculate out?  
 4 A Well, in my opinion, as I was saying earlier, I  
 5 take a one percent net of any property. If a property is  
 6 worth a hundred thousand (\$100,000), then to get a twelve  
 7 percent net return, you want one percent of the value of that  
 8 property minus any costs, your taxes, insurance. So it's  
 9 just a rule of thumb. If a house is valued at half a million  
 10 (\$500,000), then it's five thousand (\$5,000) a month.  
 11 Q Got you. I think I understand what you're saying.  
 12 Now, are there, to your knowledge, any homes for rent on the  
 13 end of Finks Hideaway Road where 1157 is located?  
 14 A Not to my knowledge. I rarely do homes.  
 15 Q Is that an area where homes are generally rented  
 16 out to individuals or families?  
 17 A I wouldn't imagine on the high end, but possibly on  
 18 the lower end of Finks Hideaway I would imagine that there  
 19 are some.  
 20 Q Now, the homes that are on the lower end, would  
 21 they be worth--on the lower end of Finks Hideaway, are those  
 22 homes worth in the four hundred and five hundred thousand  
 23 dollar (\$400,000 and \$500,000) range?  
 24 A No. Not unless they have access to 165 somehow.  
 25 Q What would the homes in that lower end of Finks

Page 30

1 Hideaway where rental homes are available be worth?  
 2 A Again, this is guessing, but I would say anywhere  
 3 from a hundred (\$100,000), maybe to a hundred and fifty  
 4 (\$150,000) range. There's also some subdivisions in there  
 5 that are probably valued a little higher, two hundred  
 6 (\$200,000) range. Then, once you get to the Finks Hideaway  
 7 on the bayou, the value of property is—I would say those  
 8 houses increase quite a bit.

9 Q Okay. But you can't generally rent one of those?

10 A I wouldn't think so.

11 Q So based on your one percent net theory, a house  
 12 that you could actually rent somewhere in the vicinity of  
 13 Finks Hideaway would probably have a rental value of between,  
 14 say, one thousand (\$1,000) and two thousand dollars (\$2,000)  
 15 a month?

16 A In— Yeah. In the lower end, yes.

17 Q Well, a house that would actually be available.

18 A Right. Okay. Yeah. I see what you're saying.  
 19 Yeah.

20 Q So, for instance, if you needed to rent a  
 21 replacement home while your home was being fixed because of a  
 22 fire, you would be able to rent a home in that vicinity for  
 23 between one—somewhere between a thousand (\$1,000) and two  
 24 thousand dollars (\$2,000) a month?

25 A I would think so.

Page 31

1 MR. WYRICK: That's all the questions I have.

2 Thank you, Mr. Johnson.

3 WITNESS: Thank you.

4 MR. FISCHESSE: Mr. Johnson, I just have a  
 5 few questions for you.

6 WITNESS: Okay.

7 EXAMINATION BY MR. FISCHESSE:

8 Q If I was a person who was being displaced from a  
 9 home on Finks Hideaway Road and I wanted to know what I could  
 10 expect to pay to rent a similar home, be it in Finks Hideaway  
 11 area or elsewhere--

12 A Okay.

13 Q --for a period of time while I was going to be  
 14 displaced from that home, would this letter tell me how much  
 15 I could expect to pay to rent a home even if it's in another  
 16 area, how much I would expect to pay?

17 A Well, maybe a general idea, but still the numbers  
 18 that were pulled for this I'm sure came from one area. It's  
 19 rare if you're going to pull from another area.

20 Q No. Maybe my question wasn't clear.

21 A Okay.

22 Q Let's assume for the purposes of this question that  
 23 I'm being displaced from a home on Finks Hideaway Road.

24 A Okay.

25 Q Say it's a bayou home on Finks Hideaway Road.

Page 32

1 A Okay.

2 Q And I want to know what the rental value of that  
 3 home is so I can have that money to rent a similar home.

4 A Okay.

5 Q Are you following me?

6 A Yes.

7 Q Would this give me a general idea of how much it  
 8 would cost me to rent the home I'm currently living in? Do  
 9 you follow my question?

10 A Yes. Yes.

11 Q So this would tell me how much I would expect to be  
 12 paying rent in that home should I be renting it?

13 MS. McGLINCHEY: That particular home?

14 MR. FISCHESSE: Right.

15 A Right. Yes.

16 Q Okay. And so, that would tell me that, if I wanted  
 17 to have a temporary housing that was similar to the one I was  
 18 living in for a period of time,--

19 A Right.

20 Q --but I need to rent it because it's only  
 21 temporary, this number will tell me how much it would  
 22 generally cost me to rent a similar home. Even if it's a  
 23 bayou home that's not typically for rent, this number would  
 24 tell me how much that would cost me?

25 A Yes. I would think so.

Page 33

1 Q Okay. And are you familiar with the owner of 1157  
 2 Finks Hideaway Road?

3 A I have no idea. No.

4 Q Do you know [REDACTED]

5 A No.

6 Q Do you do any work for [REDACTED] Insurance Company?

7 A No.

8 MR. FISCHESSE: I don't have anything  
 9 further.

10 MR. WYRICK: Just a couple of quick follow-  
 11 ups, then, Mr. Johnson.

12 REEXAMINATION BY MR. WYRICK:

13 Q I think we've already established, to your  
 14 knowledge, would you be able to find a home for rent on Finks  
 15 Hideaway Road on the bayou?

16 A Would I be able to find a home for rent on the  
 17 bayou? I would think it would be a hard thing to do.

18 MR. WYRICK: No more questions. Thank you.

19 WITNESS: Yes, sir. Thank you.

20 MS. McGLINCHEY TO WITNESS: Mr. Johnson, you  
 21 have an opportunity to read and sign your  
 22 deposition if you would like. You can either  
 23 exercise that option or waive it.

24 WITNESS: I'll waive it.

25 DEPOSITION CONCLUDED.

Page 30 - Page 33

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STATE OF LOUISIANA

PARISH OF ORCATCHER

I, MARMA J. EADY, Certified Court Reporter is and for the State of Louisiana, as the officer before whom this testimony was taken, do hereby certify that THOMAS J. JOHNSON, after having been duly sworn by me upon authority of R.S. 37:2534, did testify as set forth in the foregoing deposition at the law offices of McGlinchey Stafford, 1811 Tower Drive, Suite 2, Metairie, Louisiana 70001, on the 7th day of December, 2004, commencing at 3:20 p.m. and concluding at 4:01 p.m.; that this testimony was reported by me in the penman and electronic reporting methods, was prepared and transcribed under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding; that I am not related to counsel or to the parties herein nor am I otherwise interested in the outcome of this matter.

This certification is valid only for a transcript accompanied by my original signature and original seal on this page.

Metairie, Louisiana, this 19th day of December, 2004.

MARMA J. EADY, CCR

<b>-5-</b>	4:01 [n] 34:11	18:5,11 20:1 21:9 23:4 24:7,14 24:18,22 27:1 29:15 31:11,16,18 31:19	26:23 28:14,19
\$1,000 [n] 17:9 30:14,23	<b>-7-</b>	arcas [n] 17:25	calculating [n] 19:22 25:11
\$100,000 [n] 17:5,8 29:6 30:3	7 [n] 1:16	arrive [n] 21:14 28:7	calculation [n] 26:16 28:6
\$12.90 [n] 15:1 17:12,18 25:3 26:1,6 28:8	70124-2552 [n] 2:12	arrived [n] 19:7	calculator [n] 25:9,14
\$150,000 [n] 30:4	71201 [n] 1:21 2:5 5:9 34:9	assigned [n] 13:21	calls [n] 13:21,22 23:25
\$2,000 [n] 30:14,24	7th [n] 34:9	assume [n] 4:24 31:22	capacity [n] 6:12
\$200,000 [n] 30:6	<b>-8-</b>	assumed [n] 22:25	CCR [n] 34:23
\$4,200 [n] 17:13 25:6 26:3,5,9 26:24 27:2	87255 [n] 1:26	attach [n] 8:6 12:25 13:2	cent [n] 28:7
\$4,200.00 [n] 15:2	<b>-</b>	attaching [n] 13:9	Center [n] 2:18
\$4,200.00/month [n] 14:18	[n] 14:18	attorney [n] 10:21	certainly [n] 7:24 23:21
\$400,000 [n] 29:23	<b>-@-</b>	attorneys [n] 10:20	CERTIFICATE [n] 1:26
\$5,000 [n] 29:10	@ [n] 14:18	authority [n] 34:6	certification [n] 34:18
\$500,000 [n] 29:10,23	<b>-A-</b>	Auto [n] 1:5 12:19	Certified [n] 1:25 34:3
\$67,200.00 [n] 14:19	ability [n] 34:14	available [n] 24:6 30:1,17	certify [n] 34:5
<b>-&amp;-</b>	able [n] 23:6 30:22 33:14,16	Avenue [n] 5:8	charged [n] 11:21
& [n] 1:5 2:9,17 12:19	above [n] 14:22	average [n] 14:25 17:1,2,3 19:9 19:14,22 24:23	checking [n] 24:1
<b>-'-</b>	absolutely [n] 28:21	aware [n] 28:11,16	City [n] 10:14,15,17,18
'79 [n] 6:2	access [n] 29:24	away [n] 7:2,4	Civil [n] 1:8 3:5
<b>-</b>	accompanied [n] 34:19	<b>-B-</b>	clarify [n] 11:16
<b>-0-</b>	according [n] 24:15	background [n] 4:5 5:22 9:24 11:7	clear [n] 4:20 31:20
<b>-1-</b>	accurate [n] 21:15	Barrow [n] 1:6 2:8 3:20,24 23:13 33:4	cocaine [n] 11:13
1 [n] 12:19	ACTION [n] 1:8	based [n] 19:8 26:16 30:11	college [n] 5:23 6:4,6
113 [n] 18:8,9	active [n] 16:19,23 18:22	basics [n] 4:16	coming [n] 4:1 24:1 25:19
1157 [n] 15:1,22 17:17,20,22 17:23 18:11 19:18 29:13 33:1	activities [n] 19:1	basis [n] 28:9,13,18	commencing [n] 34:10
12.9 [n] 26:3,10	add [n] 11:23 19:11	Bastrop [n] 6:13	commercial [n] 27:5 28:10,23
145 [n] 2:10	address [n] 5:7 17:16 18:4,10 24:9,10,11	beyond [n] 30:7 31:25 32:23 33:15,17	commitment [n] 24:2
15222 [n] 2:20	adjuster [n] 13:10	BEAHM [n] 2:9	common [n] 14:1,2 28:23,25
16 [n] 14:18	advised [n] 3:10	beginning [n] 13:15	Company [n] 1:11 2:2 3:4,18 33:6
1600 [n] 2:18	again [n] 5:16 19:9 30:2	behalf [n] 3:20,23	comparable [n] 16:5
165 [n] 17:21 29:24	against [n] 3:19	best [n] 7:19 13:10 14:3 20:11 34:14	comparing [n] 21:8
1811 [n] 1:20 2:4 34:8	agent [n] 13:21	better [n] 25:7	complete [n] 27:20
19th [n] 34:21	ago [n] 9:13 11:20	between [n] 11:4 30:13,23,23	completed [n] 14:23 28:1
<b>-2-</b>	agreed [n] 3:2	Bill [n] 22:5	completing [n] 15:13
2 [n] 12:14 13:1,12	ahead [n] 8:5 13:1	bit [n] 23:25 30:8	computer [n] 16:8 19:24
2002 [n] 21:19,21	AL [n] 1:11	Board [n] 9:6	CONCLUDED [n] 33:25
2004 [n] 1:16 34:10,21	Alcoa [n] 2:16 3:19	boss [n] 6:22	concluding [n] 34:10
2006 [n] 5:8	ALB [n] 14:13,16	Boulevard [n] 2:10,19	confirm [n] 21:18
21 [n] 21:19	allow [n] 19:13,16 21:10	BPO [n] 12:11,16 13:11,17 14:4 14:9 20:14,19 21:23 23:25 25:1	connection [n] 7:23
<b>-3-</b>	always [n] 19:10	BPO's [n] 13:24,25 27:20,22 28:1	contact [n] 15:3
3-21-02 [n] 14:12	among [n] 3:2	break [n] 28:21	continuing [n] 9:16,20 13:7
355-2805 [n] 5:12	analysis [n] 14:24 15:13 16:2 16:22 24:5 28:6	briefly [n] 5:21 6:9	convicted [n] 11:10
37:2554 [n] 34:7	answer [n] 3:7 4:18,24 5:3 22:17	Broker [n] 22:19	copy [n] 7:24 8:11 25:1
3:20 [n] 34:10	answering [n] 5:5	Broker's [n] 12:13	correct [n] 14:19,20 15:18 18:16 20:4 22:8 23:12 24:8 25:13 27:8 34:14
<b>-4-</b>	Anticipate [n] 10:8 11:4	burned [n] 21:16	cost [n] 21:1 32:8,22,24
408 [n] 2:11	appear [n] 26:17	<b>-C-</b>	costs [n] 29:8
420 [n] 2:19	APPEARANCES [n] 2:1	C [n] 2:7	counsel [n] 3:2,4 34:15
	appearing [n] 2:6,13,21	calculate [n] 17:15 21:1 23:3 26:21 28:12,17 29:3	couple [n] 33:10
	appraisers [n] 21:25	calculated [n] 17:17 20:7 24:16	course [n] 8:21,22,23
	April [n] 4:2 7:12		courses [n] 8:18,19,25 9:5,7
	area [n] 15:24,24 17:21,21,22		court [n] 1:1,25 4:17 9:25 10:15 10:18,25 11:5 34:3

<p><b>-D-</b></p> <p>D [3] 10:22,23,23</p> <p>damage [4] 20:22,24 21:4,13</p> <p>data [1] 22:1</p> <p>date [2] 12:16 14:11</p> <p>deal [1] 10:6</p> <p>December [1] 1:16 34:10,21</p> <p>DEPENDANT [1] 1:12</p> <p>definitely [1] 7:25</p> <p>degree [1] 6:6</p> <p>Deirdre [2] 2:7 3:17</p> <p>depending [1] 21:3</p> <p>deposition [10] 1:14 3:3,8,11 4:3,11 8:6 33:22,25 34:8</p> <p>designated [1] 18:12</p> <p>detailed [1] 23:25</p> <p>differently [1] 22:12</p> <p>direction [1] 34:13</p> <p>discussion [1] 22:18</p> <p>displaced [3] 31:8,14,23</p> <p>distribute [1] 11:18</p> <p>District [5] 1:1,2 18:7,9,10</p> <p>divide [1] 25:21</p> <p>divided [3] 26:3,5,9</p> <p>DIVISION [1] 1:3</p> <p>dollar [1] 23:14 28:7 29:23</p> <p>dollars [7] 17:5,9 23:10 26:24 27:1 30:14,24</p> <p>done [2] 16:22 23:20</p> <p>double-check [1] 26:8</p> <p>doubt [1] 24:2</p> <p>down [4] 4:17 10:16 18:20 28:21</p> <p>Dr [1] 3:20,24 33:4</p> <p>Drive [3] 1:20 2:4 34:9</p> <p>drove [1] 24:3</p> <p>duly [2] 3:14 34:6</p> <p>Duquesne [1] 2:19</p> <p>duy [1] 13:20</p>	<p>especially [3] 17:4 23:23</p> <p>established [1] 33:13</p> <p>estate [10] 8:19,25 9:1,3,9,13,17 10:1 11:1 16:11</p> <p>estimate [4] 19:13,16 21:6,14</p> <p>estimates [1] 21:18</p> <p>ET [1] 1:11</p> <p>evidence [1] 3:8</p> <p>Exactly [1] 20:14</p> <p>EXAMINATION [4] 4:4 13:7 22:7 31:7</p> <p>except [1] 3:6</p> <p>exclusive [1] 16:10</p> <p>exercise [1] 33:23</p> <p>expect [4] 31:10,15,16 32:11</p> <p>experience [1] 26:25</p> <p>export [2] 3:23 11:1</p> <p>expertise [1] 24:4</p> <p>expired [2] 16:20,21</p> <p>expires [1] 18:22</p>	<p>Fort [1] 2:19</p> <p>forth [1] 28:12,17 34:7</p> <p>forty-two [1] 17:13 25:6 26:24 26:8,24 27:1</p> <p>four [1] 29:22</p> <p>free [1] 15:2</p> <p>front [3] 8:1,11 12:8,17 25:1</p> <p>FUJIKURA [1] 2:16</p> <p>full [1] 4:8</p> <p>full-time [1] 7:4</p> <p><b>-G-</b></p> <p>Garden [3] 18:7,9,10</p> <p>Gateway [1] 2:18</p> <p>general [4] 9:24 11:7 16:24 20:1 31:17 32:7</p> <p>generally [3] 4:13 16:1 29:15 30:9 32:22</p> <p>generated [3] 18:18 19:3 23:24</p> <p>given [1] 4:11</p> <p>giving [1] 21:5</p> <p>gone [2] 8:17 16:1</p> <p>governor's [1] 11:23</p> <p>graduate [1] 5:24</p> <p>GREEN [1] 2:9</p> <p>GREENE [1] 2:17</p> <p>ground [1] 4:13</p> <p>Guerrero [1] 10:21</p> <p>guess [1] 21:3</p> <p>guessing [1] 30:2</p> <p>guideline [1] 28:11</p>	<p>23:22 29:9 30:11,17</p> <p>houses [1] 30:8</p> <p>housing [1] 32:17</p> <p>Houston [1] 10:7</p> <p>hundred [10] 17:5,8,13 25:6,17 26:2,4,8,13,17,24 27:1 29:6,22 29:22 30:3,3,5</p> <p><b>-I-</b></p> <p>idea [3] 14:8,17 19:21 27:11,21 28:4 31:17 32:7 33:3</p> <p>identified [1] 3:22</p> <p>II [1] 2:14</p> <p>imagine [2] 29:17,18</p> <p>improvements [1] 21:3,6</p> <p>include [1] 24:17</p> <p>income [2] 10:8,9</p> <p>increase [1] 30:8</p> <p>independent [2] 15:7,25</p> <p>individually [1] 3:19</p> <p>individuals [1] 29:16</p> <p>industry [1] 16:11</p> <p>industrywide [1] 16:15</p> <p>information [3] 4:5 11:7 18:17 19:2,8 24:6</p> <p>input [1] 18:6</p> <p>instance [3] 18:7 28:19 30:20</p> <p>instead [2] 4:18 19:22</p> <p>institutions [1] 6:7</p> <p>insurance [3] 17:7 29:8 33:6</p> <p>intent [1] 11:18</p> <p>interested [1] 34:16</p> <p>introduced [1] 3:8</p> <p>involved [3] 7:20 10:20 24:4</p> <p>involvement [2] 6:19 13:16</p> <p>issue [2] 7:8 14:9</p> <p>issuing [1] 7:22</p> <p>itself [1] 21:6</p>
<p><b>-E-</b></p> <p>E [1] 2:10</p> <p>EADY [3] 1:24 34:3,23</p> <p>easier [2] 4:19 5:3</p> <p>eat [1] 6:17</p> <p>ed [1] 9:20 10:6</p> <p>education [1] 8:17</p> <p>educational [1] 5:21</p> <p>eight [1] 9:20</p> <p>either [2] 6:7 33:22</p> <p>elected [1] 3:11</p> <p>electronic [1] 34:12</p> <p>eliminate [1] 21:8</p> <p>elsewhere [1] 31:11</p> <p>Emile [1] 1:6 2:8 33:4</p> <p>employed [2] 5:18 6:12</p> <p>end [13] 24:10,13,18,20,20 29:2 29:13,17,18,20,21,25 30:16</p> <p>equal [1] 17:9</p>	<p><b>-F-</b></p> <p>fact [2] 14:9 15:5</p> <p>fairly [1] 14:1</p> <p>familiar [2] 4:13 33:1</p> <p>families [1] 29:16</p> <p>family [2] 6:14,16</p> <p>far [2] 21:22,24</p> <p>Federal [1] 3:5</p> <p>feet [2] 25:8,12</p> <p>few [3] 4:16 22:6 31:5</p> <p>field [1] 9:1,25 11:1</p> <p>fifteen [1] 11:20</p> <p>fifty [1] 30:3</p> <p>fifty-five [1] 25:16,18</p> <p>filed [1] 3:18</p> <p>finish [2] 5:2,5</p> <p>Pinks [27] 14:24 15:1,14,21 17:17,20,23 18:11 19:18 20:3 24:9,12,13,13 29:2,13,18,21,25 30:6,13 31:9,10,23,25 33:2,14</p> <p>fire [3] 20:22,24 21:2,4 30:22</p> <p>first [4] 3:14 4:10 13:9,12,14,19</p> <p>Fischer [12] 2:14 11:16 13:3 25:17,20,24 26:2,11 31:4,7 32:14 33:8</p> <p>five [14] 25:15,16 29:10,22</p> <p>fixed [1] 30:21</p> <p>floor [1] 13:20</p> <p>follow [2] 32:9 33:10</p> <p>following [1] 32:5</p> <p>follows [1] 3:15</p> <p>foot [14] 15:1 17:12,19 23:10,14 23:18 25:1 26:18 28:8,9,13,18,21 28:24</p> <p>footage [3] 23:13,16,19,22 26:12</p> <p>Ford [1] 1:11 2:2 3:4,17</p> <p>foregoing [1] 34:7</p> <p>form [1] 3:6</p> <p>formula [1] 23:9</p>	<p><b>-H-</b></p> <p>Hakim [2] 10:6 11:4</p> <p>Hakim's [1] 10:21</p> <p>half [2] 12:6 29:9</p> <p>handwriting [1] 14:13,14</p> <p>handy [1] 25:9</p> <p>happy [1] 4:22</p> <p>hard [1] 33:17</p> <p>head [1] 4:19 17:25 18:8</p> <p>hear [1] 5:16</p> <p>hereby [1] 34:5</p> <p>heroin [4] 2:6,13,21 34:16</p> <p>Hideaway [27] 14:24 15:1,14 15:21 17:17,21,23 18:11 19:18 20:3 24:9,12,13,14 29:2,13,18,21 30:1,6,13 31:9,10,23,25 33:2,15</p> <p>high [4] 5:24 24:9,17,20 29:2,17</p> <p>high-end [1] 24:11,12</p> <p>higher [1] 30:5</p> <p>home [24] 1:5 12:20 26:18,21 29:2,3 30:21,21,22 31:9,10,14,15 31:23,25 32:3,3,8,12,13,22,23 33:14,16</p> <p>homes [14] 24:12,13 27:1,3,10 27:16 28:20 29:12,14,15,20,22 29:25 30:1</p> <p>hours [2] 9:16,20</p> <p>house [1] 20:16,19 21:13 23:1</p>	<p><b>-J-</b></p> <p>J [1] 1:15,24 2:14,22 3:3,10,14 4:9 34:3,5,23</p> <p>jail [1] 7:9</p> <p>JAMES [1] 1:9</p> <p>Jeff [2] 10:22,23</p> <p>job [1] 4:19 5:3</p> <p>Joe [1] 10:22,23,23</p> <p>John [14] 2:14 5:14,17,18 6:9,20 6:22,23 9:14 13:20 16:10,13 26:25 27:6</p> <p>Johnson [2] 1:15 3:3,10,14,16 4:9 5:7 31:2,4 33:11,20 34:6</p> <p>judge [3] 1:9,10 10:11</p> <p><b>-K-</b></p> <p>keep [1] 8:11</p> <p>kept [2] 9:16 18:1</p> <p>kind [3] 20:20 24:21 27:4</p> <p>Kingston [2] 10:7 11:4</p>



<b>KIRK</b> [1] 1:10 <b>knowing</b> [1] 22:21 <b>knowledge</b> [4] 7:16 29:12,14 33:14	<b>minus</b> [1] 29:8 <b>MLS</b> [3] 16:3,4 17:14,16,17 18:2,3,14 20:2 21:8,10,20 24:15 <b>money</b> [1] 32:3 <b>Monroe</b> [8] 1:3,21 2:5 5:8 10:14 14:24 34:9,21 <b>month</b> [6] 17:9 26:24 27:2 29:10 30:15,24 <b>monthly</b> [1] 15:2 17:13 19:7 19:14,22 20:7,10,12 21:1,19 25:4 <b>months</b> [3] 14:18 18:22 22:1 24:5,9 <b>most</b> [2] 21:23,25 <b>Motor</b> [4] 1:11 2:2 3:4,17 <b>Ms</b> [1] 2:7 3:16 4:1,4 8:5 12:25 13:5,7 22:3 25:9,14 32:13 33:20 <b>Multi-Listing</b> [2] 16:5,7 <b>multiplied</b> [1] 23:13 <b>must</b> [3] 14:5 23:16,19	<b>officer</b> [2] 12:3 34:4 <b>offices</b> [2] 1:18 34:8 <b>office</b> [1] 6:17 <b>once</b> [1] 7:24 10:4 30:6 <b>one</b> [2] 2:18 5:5 17:7 18:9 29:5 29:7 30:9,11,14,23 31:18 32:17 <b>opened</b> [1] 6:13 <b>opinion</b> [8] 7:17 10:8 12:13 13:19 14:25 22:19 24:5 29:4 <b>opportunity</b> [1] 33:21 <b>opposed</b> [3] 20:12 22:22 28:2 <b>option</b> [1] 33:23 <b>order</b> [1] 21:14 <b>original</b> [2] 34:19,19 <b>Orleans</b> [1] 2:12 <b>otherwise</b> [1] 34:16 <b>OUACHITA</b> [2] 1:27 34:2 <b>outcome</b> [1] 34:16 <b>own</b> [1] 6:13 <b>owned</b> [1] 6:13 <b>owner</b> [1] 33:1	<b>PLAINTIFF</b> [1] 1:7 <b>plan</b> [1] 7:11 <b>play</b> [2] 23:4,7 <b>plugged</b> [1] 17:16 <b>point</b> [2] 26:3,10 <b>popped</b> [1] 19:12 <b>pop</b> [1] 24:24 <b>possession</b> [2] 11:17,18 <b>possibly</b> [1] 3:23 27:13 29:17 <b>prepared</b> [1] 34:12 <b>presently</b> [1] 16:16 <b>price</b> [6] 12:13 13:19 22:19 25:2 28:9 29:1,3 <b>prices</b> [4] 23:3,6 24:6,7 <b>probation</b> [4] 12:1,2,3,6 <b>problem</b> [1] 19:23 <b>procedure</b> [2] 3:5 28:22 <b>process</b> [2] 20:18,20 <b>program</b> [4] 16:8,18 20:2 21:10 <b>properties</b> [7] 16:20,20 19:4,5 23:3 24:7 28:9 <b>property</b> [17] 13:19 15:20,23 17:4 19:10 20:21,25 21:1,15 22:15 23:1 24:3 28:18 29:5,5,8 30:7 <b>provided</b> [1] 21:19 <b>pull</b> [2] 16:5,23 31:19 <b>pulled</b> [1] 17:14,23 31:18 <b>pulling</b> [1] 16:3 17:20,21 18:10 19:25 <b>purposes</b> [2] 3:5 31:22 <b>pursuant</b> [1] 3:3 <b>put</b> [10] 17:5 18:9,14,20,21 19:6 22:12 23:17 28:4,24
<b>-L-</b> <b>LAMB</b> [1] 2:17 <b>larger</b> [1] 18:5 <b>law</b> [2] 1:18 34:8 <b>lawsuit</b> [7] 3:18,22 7:12,17,20 7:23 11:3 <b>lean</b> [2] 27:5 28:23 <b>least</b> [1] 22:10 <b>LeBOEUF</b> [1] 2:17 <b>Lee</b> [1] 2:10 <b>letter</b> [10] 7:22 12:16 13:10 14:21 15:8,10 21:20 23:16 28:14 31:14 <b>level</b> [1] 24:4 <b>license</b> [5] 8:24 9:3,9,15,22 <b>listed</b> [1] 19:4 <b>listings</b> [3] 16:19,21,23 <b>living</b> [2] 32:8,18 <b>located</b> [2] 18:12 29:13 <b>look</b> [1] 24:21 <b>looking</b> [2] 19:24 23:1 <b>looks</b> [1] 12:19 <b>loss</b> [3] 20:22 21:5,14 <b>lots</b> [3] 21:9,9,9 <b>Louisiana</b> [2] 1:2,21,28 2:5,12 34:1,4,9,21 <b>low</b> [3] 24:18,20 28:4 <b>lower</b> [5] 29:18,20,21,25 30:16 <b>LSU</b> [1] 6:5 <b>LTD</b> [1] 2:16	<b>-N-</b> <b>name</b> [4] 3:16 4:8 10:7,24 <b>named</b> [1] 23:18 <b>narrow</b> [1] 18:20 <b>need</b> [1] 32:20 <b>needed</b> [1] 30:20 <b>net</b> [2] 17:6 19:11 29:5,7 30:11 <b>Neville</b> [1] 5:25 <b>New</b> [1] 2:12 <b>next</b> [1] 5:5 <b>nine</b> [2] 26:3,10,15 <b>ninety</b> [4] 17:12,18 25:3 26:1,6 28:7 <b>None</b> [1] 27:18 <b>nor</b> [1] 34:16 <b>normally</b> [2] 20:14 23:23 <b>North</b> [1] 17:21 <b>Northeast</b> [2] 6:5 9:6 <b>nothing</b> [2] 19:24 21:5 24:22 <b>Notice</b> [2] 3:3 4:2 <b>now</b> [2] 17:3 23:2 24:25 26:23 27:7 28:6 29:12,20 <b>number</b> [10] 5:11 18:12,14 22:11 22:13 23:10 24:21 28:5 32:21,23 <b>numbers</b> [3] 17:12,15,24 19:24 31:17	<b>-P-</b> <b>p.m.</b> [1] 34:10 <b>p.m.</b> [1] 34:11 <b>page</b> [7] 12:14,17,19 13:19,12 34:20 <b>pages</b> [1] 8:4 <b>papers</b> [1] 12:7 <b>paragraph</b> [1] 14:22 <b>pardon</b> [1] 11:23 <b>parish</b> [1] 1:27 10:15 34:2 <b>parole</b> [1] 11:25 <b>part</b> [1] 18:1,3 19:23 <b>participate</b> [1] 6:3 <b>particular</b> [2] 28:14 32:13 <b>parties</b> [2] 7:20 34:16 <b>partner</b> [1] 6:14 <b>party</b> [1] 7:17 <b>pass</b> [2] 9:7,10 <b>past</b> [1] 18:21,21,22 <b>pay</b> [1] 31:10,15,16 <b>paying</b> [2] 23:25 32:12 <b>Pennsylvania</b> [1] 2:20 <b>penwriter</b> [1] 34:12 <b>people</b> [3] 13:18 20:15 24:1 <b>per</b> [3] 15:1 17:12,18 23:10,14 23:17 25:24 27:2,12,13,14 28:20 28:24 <b>percent</b> [2] 17:6,8,10 19:11 29:5 29:7,7 30:11 <b>performed</b> [1] 28:7 <b>period</b> [2] 19:6 27:9,16,19 31:13 32:18 <b>permitted</b> [1] 3:5 <b>person</b> [1] 31:8 <b>personal</b> [1] 34:13 <b>phone</b> [2] 5:11 23:17 <b>piece</b> [1] 13:19 <b>Pittsburgh</b> [2] 2:20 13:18	<b>-Q-</b> <b>qualify</b> [1] 10:25 <b>questions</b> [2] 3:21 8:13 9:24 15:3 22:3,6 31:1,5 33:18 <b>quick</b> [1] 33:10 <b>quickly</b> [2] 4:16 23:20 <b>quite</b> [2] 28:25 30:8
<b>-M-</b> <b>MACRAE</b> [1] 2:17 <b>MAGISTRATE</b> [1] 1:10 <b>man's</b> [1] 10:7 <b>map</b> [2] 17:24 18:1,4 <b>March</b> [1] 21:19 <b>market</b> [2] 14:23 15:13 16:1 <b>math</b> [1] 25:7 <b>matter</b> [1] 34:17 <b>may</b> [7] 3:4 16:24 19:11 21:25 24:22,22,23 <b>McGlinchey</b> [1] 1:19 2:3,7 3:16,17 4:1,4 8:5 12:25 13:5,7 22:3 25:9,14 32:13 33:20 34:8 <b>mean</b> [1] 21:3,4 28:20 <b>means</b> [1] 13:16 <b>meant</b> [1] 12:2 <b>measure</b> [1] 23:22 <b>medium</b> [2] 24:12,21 <b>methods</b> [1] 34:12 <b>MetLife</b> [2] 1:5 2:8 3:19,24 12:19 13:10 33:6 <b>might</b> [1] 11:23 <b>million</b> [1] 29:9 <b>mind</b> [1] 27:18	<b>-O-</b> <b>objection</b> [1] 8:7 <b>objections</b> [1] 3:6 <b>occasions</b> [1] 10:3 <b>occupation</b> [1] 5:13 <b>OF/AND</b> [1] 1:6 <b>off</b> [2] 8:16 13:3,6 17:14,25 18:8 19:10 20:1 24:23 <b>offended</b> [1] 11:8 <b>offer</b> [1] 7:17 <b>offered</b> [1] 3:8 <b>offering</b> [1] 24:5 <b>office</b> [3] 4:3 7:3 9:6	<b>-R-</b> <b>R-E-A</b> [1] 6:25 <b>R.S.</b> [1] 34:7 <b>range</b> [1] 29:23 30:4,6 <b>rare</b> [1] 31:19 <b>rarely</b> [1] 29:14 <b>rate</b> [1] 17:18 <b>rates</b> [1] 14:25 <b>rather</b> [1] 23:20 <b>Rca</b> [1] 5:14,17,19 6:9,20,22,23 9:14 13:20 16:10,13 26:25 27:6 <b>read</b> [2] 3:11 14:21 33:21 <b>real</b> [10] 8:19,25 9:1,3,9,15,16,25 11:3 16:11 <b>really</b> [1] 27:3 <b>realtor</b> [1] 20:18 <b>realtors</b> [2] 9:6 28:12,16,20	

<b>Realty</b> [1] 5:14,17,19 26:25 27:7 <b>reason</b> [1] 20:6,9 <b>reasonable</b> [1] 28:12,17 <b>recalculate</b> [1] 22:11,13 <b>received</b> [1] 4:2 <b>recently</b> [1] 13:14 <b>recipes</b> [1] 6:18 <b>recognize</b> [1] 8:3,9 <b>recollection</b> [1] 7:19 15:7,9,25 <b>record</b> [1] 4:20 13:3,6,8 16:19 <b>REEXAMINATION</b> [1] 33:12 <b>referenced</b> [1] 15:20 <b>referring</b> [1] 12:14 13:11 <b>refused</b> [1] 10:25 <b>related</b> [1] 34:15 <b>relation</b> [1] 29:1 <b>remember</b> [1] 7:21 8:21,22 10:6 12:3,4,5 15:10,22 23:23 24:19 <b>rent</b> [1] 15:2 17:6 23:1 29:12 30:9,12,20,22 31:10,15 32:3,8,12 32:20,22,23 33:14,16 <b>rental</b> [1] 10:8,9 14:24,25 15:14 16:2,6 17:3,13,18 19:7,12,14,22 20:7,10,12 21:1,19 22:14,22 23:6 23:10 24:7,16,17 25:2,4 26:21 28:2,13,17,21 29:3 30:1,13 32:2 <b>rentals</b> [1] 17:4 <b>rented</b> [1] 16:24 27:1,17 28:9 29:15 <b>renting</b> [1] 32:12 <b>rep</b> [1] 5:14,17 <b>repeat</b> [1] 4:21 28:15 <b>rephrase</b> [1] 4:21 <b>replacement</b> [1] 30:21 <b>report</b> [1] 7:22 <b>reported</b> [1] 1:23 34:11 <b>reporter</b> [1] 1:25 4:17 34:3 <b>reporting</b> [1] 34:12 <b>represent</b> [1] 3:17 <b>request</b> [1] 14:4 <b>requested</b> [1] 14:7 <b>requests</b> [1] 13:22 <b>require</b> [1] 21:14 <b>required</b> [1] 9:16 <b>research</b> [1] 23:6 <b>reserved</b> [1] 3:7 <b>residence</b> [1] 19:19 20:3,8,24 23:13 <b>residential</b> [1] 28:8,13,18 <b>responsiveness</b> [1] 3:7 <b>restaurant</b> [1] 6:11,12 <b>result</b> [1] 18:18 19:3 <b>retained</b> [1] 7:16 <b>return</b> [1] 17:6,10 29:7 <b>right</b> [1] 3:10,12 4:25 5:10,21 6:3,8,19,21 8:15 9:4 12:15,21,21 18:7,13 19:15 20:17 23:15 25:11 25:14 26:19 30:18 32:14,15,19 <b>river</b> [1] 10:16	<b>Road</b> [1] 14:24 15:2,14,21 17:17 17:23 18:11 19:18 20:4 24:9 29:2 29:13 31:9,23,25 33:2,15 <b>Robert</b> [1] 2:10 <b>rule</b> [1] 29:9 <b>rules</b> [1] 3:5 4:14 <b>run</b> [1] 24:22 <hr/> <b>-S-</b> <hr/> <b>S-T-U-A-R-T</b> [1] 5:8 <b>sale</b> [1] 19:5,16 20:3,13,15 24:6 29:1 <b>sales</b> [1] 5:14,17 16:5 17:3 18:21,21 19:22 22:22 23:3 24:17 24:23 28:2 <b>saw</b> [1] 7:24 13:12,14 <b>says</b> [1] 14:18 <b>school</b> [1] 5:24 7:10,11 <b>seal</b> [1] 34:19 <b>search</b> [1] 21:20 <b>second</b> [1] 13:4 <b>see</b> [1] 7:6 23:17,18 25:11 26:14 30:18 <b>sell</b> [1] 28:20 <b>selling</b> [1] 20:16 <b>sent</b> [1] 7:24 <b>sentences</b> [1] 12:5 <b>seriously</b> [1] 24:2 <b>serve</b> [1] 11:14,25 <b>Service</b> [1] 16:5 <b>Services</b> [1] 16:7 <b>set</b> [1] 34:7 <b>sets</b> [1] 28:12,17 <b>seven</b> [1] 5:20 9:13 27:7,24 <b>seven-year</b> [1] 27:9 <b>shopping</b> [1] 24:1 <b>show</b> [1] 8:1 <b>Shreveport</b> [1] 10:24 <b>sign</b> [1] 3:11 33:21 <b>signature</b> [1] 13:13 14:22 15:5 15:12 34:19 <b>signing</b> [1] 15:8,10 <b>similar</b> [1] 31:10 32:3,17,22 <b>simply</b> [1] 4:21 <b>Sincerely</b> [1] 15:4 <b>situation</b> [1] 18:25 <b>six</b> [1] 5:20 9:13 18:22 22:1 26:7 26:15 27:9 <b>six-month</b> [1] 8:22 <b>sold</b> [1] 16:20,23 17:5 19:5,10 21:9 27:10 <b>solds</b> [1] 18:20 19:1 <b>solely</b> [1] 21:11 <b>someone</b> [1] 13:17 19:25 23:24 <b>Sometimes</b> [1] 24:22 <b>somewhere</b> [1] 25:12 30:12,23 <b>sorry</b> [1] 3:15 11:16 12:15 24:25 28:15 <b>specific</b> [1] 15:17 17:24 18:9 <b>specifically</b> [1] 15:11 20:12	<b>spent</b> [1] 7:8 <b>spoken</b> [1] 7:20 <b>square</b> [1] 15:1 17:12,18 23:10 23:12,14,16,18,19,22 25:1,8,12 26:12,17 28:8,9,13,18,21,24 <b>Stafford</b> [1] 1:19 2:3 34:8 <b>standard</b> [1] 28:11,16,22 <b>stands</b> [1] 14:16 <b>start</b> [1] 4:10 <b>started</b> [1] 6:9 9:14 13:20 <b>starts</b> [1] 20:18,20 <b>state</b> [1] 1:28 21:15 34:1,4 <b>STATES</b> [1] 1:1 <b>stationery</b> [1] 12:20 <b>stay</b> [1] 22:1 <b>still</b> [1] 6:15 31:17 <b>stipulated</b> [1] 3:2 <b>STIPULATIONS</b> [1] 3:1 <b>stop</b> [1] 4:21 <b>strictly</b> [1] 21:8,24 <b>Stuart</b> [1] 5:8 <b>studies</b> [1] 6:4 <b>study</b> [1] 8:23 <b>subdivisions</b> [1] 30:4 <b>subpoena</b> [1] 4:3 <b>SUBROGEE</b> [1] 1:6 <b>Subway</b> [1] 6:13 <b>successfully</b> [1] 26:25 <b>such</b> [1] 3:7 <b>Suite</b> [1] 1:20 2:4,11,18 34:9 <b>supervision</b> [1] 34:13 <b>supervisor</b> [1] 6:22 <b>sustained</b> [1] 20:22,24 21:13 <b>sworn</b> [1] 3:14 34:6 <b>system</b> [1] 18:2,3,6,15 19:13 <hr/> <b>-T-</b> <hr/> <b>taking</b> [1] 4:17 <b>tax</b> [1] 7:8 <b>taxes</b> [1] 17:7 29:8 <b>TELEPHONE</b> [1] 2:16 <b>temporary</b> [1] 32:17,21 <b>ten</b> [1] 27:12,13 <b>test</b> [1] 8:24 9:3,9 <b>testified</b> [1] 3:14 9:25 <b>testify</b> [1] 11:4 34:7 <b>testimony</b> [1] 7:11,14 22:8 34:5 34:11 <b>Thank</b> [1] 15:3 31:2,3 33:18,19 <b>theory</b> [1] 30:11 <b>thirty-nine</b> [1] 26:7,13,17 <b>thirty-two</b> [1] 25:15,16,16 <b>Thomas</b> [1] 1:15 3:3,10,14 4:9 34:5 <b>thousand</b> [1] 17:5,8,9 25:12,17 26:15 29:6,10,22 30:14,14,23,24 <b>three</b> [1] 25:12,17,24 26:15 <b>through</b> [1] 2:6,13,21 8:18 9:16 <b>throughout</b> [1] 16:11,12	<b>thrown</b> [1] 24:23 <b>thumb</b> [1] 29:9 <b>times</b> [1] 26:3,9 <b>today</b> [1] 3:21 7:2,3 21:20 22:10 22:13 <b>too</b> [1] 11:24 21:24 <b>took</b> [1] 8:25 9:3,5 13:20 23:12 <b>top</b> [1] 14:13 17:25 18:8 <b>topic</b> [1] 8:16 <b>total</b> [1] 21:5 25:4 26:11 27:22 <b>towards</b> [1] 27:5 28:23 <b>Tower</b> [1] 1:20 2:4 34:9 <b>town</b> [1] 6:24 7:1 <b>training</b> [1] 8:18 <b>transcribed</b> [1] 34:13 <b>transcript</b> [1] 34:14,18 <b>trial</b> [1] 4:1 7:12 10:13 <b>Trio's</b> [1] 6:13,15,19 <b>true</b> [1] 34:14 <b>try</b> [1] 5:4 <b>twelve</b> [1] 17:6,9,12,18 19:10 25:3 26:1,3,5,5,9,9 28:7 29:6 <b>twenty</b> [1] 27:14,21,22 28:3 <b>twenty-five</b> [1] 25:24 <b>two</b> [1] 8:4 12:6 18:21 24:23 25:17 30:5,14,23 <b>type</b> [1] 8:18 16:7 <b>typically</b> [1] 32:23 <hr/> <b>-U-</b> <hr/> <b>under</b> [1] 34:13 <b>understand</b> [1] 4:20 13:8 19:18 22:8,24 23:2 29:11 <b>understood</b> [1] 4:25 <b>UNITED</b> [1] 1:1 <b>unless</b> [1] 8:6 23:24 29:24 <b>up</b> [1] 4:1 9:16 16:3,23 17:11 18:10 19:12 23:9,14 24:24,25 25:2,5,19 26:7 <b>ups</b> [1] 33:11 <b>used</b> [1] 3:4 16:15 17:14 <b>uses</b> [1] 16:13 <b>usually</b> [1] 27:4 <hr/> <b>-V-</b> <hr/> <b>valid</b> [1] 34:18 <b>value</b> [1] 10:9 13:1 17:4,6 19:16 19:22 20:3,7,10,12,13,15,21,25 21:1,4,10,15 22:14,22,22 23:3,10 23:14,17 24:16 25:4 26:21,23 28:2,2,17 29:7 30:7,13 32:2 <b>valued</b> [1] 29:9 30:5 <b>values</b> [1] 14:24 15:14 16:2,6 21:20 24:17 28:13 <b>verbalize</b> [1] 4:18 <b>VERSUS</b> [1] 1:9 <b>VIA</b> [1] 2:15 <b>vicinity</b> [1] 30:12,22 <b>vocational</b> [1] 8:18
--	--	---	--

<p align="center"><b>-W-</b></p> <p>wait [2] 5:2,4  waive [3] 3:11 33:23,24  WANDA [3] 1:24 34:3,23  WESTERN [1] 1:2  whole [1] 24:22  William [1] 2:22  within [2] 14:1 19:5  witness [15] 3:10,23,23,25 9:25  25:19,22,25 26:4,13 31:3,6 33:19  33:20,24  words [1] 22:14  worth [5] 20:19 29:6,21,22 30:1  Wyrick [3] 2:22 5:15 22:5,6,7  31:1 33:10,12,18</p> <p align="center"><b>-Y-</b></p> <p>year [3] 6:1 9:20 18:21 21:25  27:12,13,14  years [3] 5:20 9:13 11:20 12:6  18:22 27:7,24</p>			
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