


# THE UPDATE

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*The goal of our monthly update is to provide information on timely matters that may impact your practice and professional interests.*



## **TARGETING OF U.S. POWER GRID OF MAJOR CONCERN**

The Constellation Energy Group Inc, a Baltimore power company with customers around the country, which operates Baltimore Gas and Electric, recently reported that "hackers try to slip past cyber-security hundreds of times a day into their computer network". While they have no discernable way of knowing who is trying to hit their system; they just know it's being hit. While hackers have caused no serious damage to systems that feed the nation's power grid to date, heightened concerns remain that electric companies may have failed to adequately fortify their defenses against a potential catastrophic attack setting off a widespread blackout that also damages interconnected power plants , thereby prolonging an outage.



## **COSTLY SURETY ISSUES RE: SUBCONTRACTOR DEFAULT**

The N.Y. Court of Appeals ruled that the failure of a contractor to declare a subcontractor in default did not relieve the surety from paying under the performance and payment bond. Additionally the award could exceed the bond amount. In a separate action, it also ruled that a subcontractor's assignee could receive payment from a bond surety even though the assignee had not been involved in the original contract.



## **PERFORMANCE-BASED BUILDING DESIGN CONCERNS**

Receiving building official's approval for a nontraditional performance-based design (PBD) now considered to be "on the cutting edge" of practice by many of our nation's leading architects and engineers( A/E's) can be problematic, arduous and risky. Yet many knowledgeable A/E firms remain willing to expend the additional work and effort in employing PBD to enhance building performance through achieving improved economies, efficiency and innovation beyond that available to their clients when designing to minimum standards set by prescriptive (or cook book) codes. PBD for structural, life safety and fire protection engineering has become a hot and controversial topic thanks to the availability of relatively inexpensive computing power. Building officials on the other hand are often

reluctant to accept responsibility for A/E computer building simulation results, preferring that they follow code -prescribed design methods. Change is never easy.



### **IMPROVE AIRPLANE VENTILATION TO CURB ILLNESS**

Researchers at the Lahey Clinic near Boston recently reported in the Lancet Medical Journal that after a review of scientific, government and industry studies on infections linked to air travel, they concluded that increasing ventilation rates in airplanes from current levels ranging anywhere from "5-12" to "15-20 "air changes per hour can reduce the spread of infectious disease e.g. influenza, tuberculosis, severe acute respiratory syndrome and possibly hypobaric hypoxia thought to affect our immune system. Their report also pointed out that during the SARS outbreak, a 3 hour Air China flight from Hong Kong to Beijing accounted for 22 (of 37 passengers ) who contracted the illness shortly after taking that flight. Fixing that problem for cost strapped airlines will be costly. Yet not taking any action in light of these results could prove more costly.

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### ***Meckler Forensic Group***

Address	10573 West Pico Blvd. #200 Los Angeles, CA. 90064	200 2nd Ave. South #204 St. Petersburg, FL. 33701
Phone	(310)913-3864	(800)556-1932
FAX	(800)210-6244	(800)308-5811
EMail	<a href="mailto:mmeckler@mforensicgroup.com">mmeckler@mforensicgroup.com</a>	
URL	<a href="http://www.mforensicgoup.com">http://www.mforensicgoup.com</a>	