

PROPERTY-MANAGEMENT EXPERT REPORT

Fictional Representative Case Study

**Laura Miller and James Miller v. PacificLink Fiber Services, LLC;
Harbor Ridge Business Park, LLC; and West Coast Commercial
Management, Inc.**

**Orange County Superior Court
Fictional Case No. CV-2025-18427**

**Prepared by
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Founder & President, Harvey Goodman Property Management**

Subject Property: Harbor Ridge Corporate Center
4820 Pacific Gateway Boulevard, Irvine, California
Incident Date: January 18, 2025

SUBJECT

Property-management systems analysis concerning a detached irrigation-valve enclosure lid repeatedly appearing in common areas of a commercial office property before an alleged injury event.

FICTIONAL CASE STUDY

All case parties, witnesses, properties, locations, dates, case numbers, and record materials are fictionalized. The expert identity and professional qualifications are retained. Not for filing or testimony.

TABLE OF CONTENTS

- 1. Executive Summary of Opinions
- 2. Expert Identification and Case-Relevant Qualifications
- 3. Assignment, Scope, and Boundaries
- 4. Materials Considered and Citation Convention
- 5. Methodology: How I Applied My Property-Management Experience
- 6. Factual Background and Chronology
- 7. Use of Reed's Historical-Image Analysis
- 8. Property-Management Practices for Common-Area Issues
- 9. Expert Opinions
- 10. Facts, Alternatives, and Contrary Information Considered
- 11. Limits of My Opinions
- 12. Summary of Conclusions
- 13. Expert Declaration and Signature
- Appendix A. Materials Considered Index
- Appendix B. Assumptions and Reliance Register
- Appendix C. Opinion Support Matrix
- Exhibit D. Enclosure-Lid Evidence: Facts, Limitations, and Property-Management Significance

1. EXECUTIVE SUMMARY OF OPINIONS I was asked to review how the property-management team handled exterior common areas at Harbor Ridge Corporate Center, 4820 Pacific Gateway Boulevard, Irvine, California, in connection with the January 18, 2025 incident.

Summary of My Opinion In my experience, ownership and management of an unusual or potentially dangerous condition are separate questions. The issue is not whether property management owned the enclosure lid, performed irrigation-system work, or possessed authority to repair utility infrastructure. The issue is whether the management process described by the witnesses included a method to identify an unusual or potentially dangerous condition in a managed common area, document it, assess what was observable, determine who should handle it, assign responsibility, follow up, escalate when necessary, and confirm resolution. I am not opining that West Coast Management should have opened, diagnosed, secured, or repaired irrigation equipment. A professional management system can preserve distance from the equipment while converting an unusual, abnormal, unsecured, out-of-place, or potentially dangerous condition into management action through observation, documentation, assessment, assignment, referral, follow-up, escalation when necessary, and confirmation of resolution. In my experience, the initial property-management response should be ownership-neutral. In plain English, the first question is not who owns the condition. The first question is whether an observable condition in a managed common area appears unusual, abnormal, unsecured, out of place, potentially dangerous, or otherwise requires attention. Ownership may determine the ultimate responder, but ownership does not determine whether the condition should enter the management process. The organizing question for this analysis is: What property-management process existed to identify, document, assess, assign, refer, follow up on, escalate, and resolve an unusual or potentially dangerous condition in a managed common area when ownership was uncertain or belonged to a third party? The testimony reviewed does not identify a consistent process for taking those steps when personnel believed a condition involved utility equipment. Cole described utility conditions as generally left to the utilities, not audited by West Coast Management, and not ordinarily reported. She explained that even a visibly damaged enclosure lid would not necessarily be reported and that management would 'not really do anything' because the utility might already know or have a work order.¹ Whitaker described property managers looking for dangerous conditions and things out of place in common areas and agreed that a dangerous condition should be addressed promptly. She also described no pre-incident utility-cover inspection process and explained, in the known-extra-cover hypothetical, that inquiry would not necessarily occur because utility workers might return. ² I use that hypothetical as a description of the stated process or decision rule, not as a memory lapse, an admission of actual events, or a personal-fault finding. Ordinary onsite activity matters because it creates potential occasions to encounter exterior conditions. Marissa Cole testified that she worked from the Harbor Ridge Annex office and was generally there five days per week. West Coast Management maintenance engineers rotated among five buildings and worked or participated in inspections at Harbor Ridge. Amy Whitaker personally managed Harbor Ridge Center and Annex, used the Harbor Ridge Annex office, looked at the property whenever she arrived or drove by, and sometimes participated in inspections; her onsite frequency was not quantified. ³ In that setting, Nathan Reed's historical-image analysis is an important affirmative factual basis for the repeated- opportunity portions of this management review. Accepting Reed's

reported findings for purposes of this property- management analysis, the apparent cover did not remain in one location. It repeatedly appeared in different locations over several years, including locations near a roadway, near pedestrian areas, adjacent to installed utility

1 Cole Dep. 13:14-22; 14:6-16; 15:1-9. 2 Whitaker Dep. 83:5-25; 85:16-86:17; 91:20-92:22; 97:11-99:1. 3 Cole Dep. 10:19-24; 11:1-13; 12:4-19; 52:15-54:1; 60:12-20; Whitaker Dep. 97:11-25; 98:1-6; 101:1-13.

equipment, and ultimately against the 4820 building.⁴ The significance is not merely that an apparent cover existed. Reed's sequence places the apparent cover outside its intended utility-function environment and in locations inconsistent with its intended use. Each new location created a separate opportunity for observation, documentation, assessment, referral, follow-up, escalation, and resolution. Those opportunities do not establish ownership or actual notice, and they do not establish that any person saw the object. That repeated-opportunity context is paired with the verified operating evidence. Marissa Cole testified that she worked from the Harbor Ridge Annex office and was generally there five days per week. Her exterior inspections covered the buildings, grass, parking lot, and common areas and included looking for dangerous or potentially dangerous conditions. West Coast Management maintenance engineers rotated among five buildings and worked or participated in inspections at Harbor Ridge; Michael Torres and Eric Lawson were the predominant maintenance contacts. Dana Whitaker personally managed Harbor Ridge Center and Annex, used the Harbor Ridge Annex office, looked at the property whenever she arrived or drove by, and sometimes participated in inspections; the testimony does not quantify her onsite frequency. ⁵ The witnesses and documents use several names for the green rectangular enclosure lid, including "utility box," "utility box cover," "enclosure lid," "valve enclosure," and similar descriptions. Those terms are not used consistently, and some could be read as describing a complete installed utility box rather than the exterior object shown and discussed in the materials. To avoid that confusion, I use the descriptive term "irrigation-valve enclosure lid," shortened to "enclosure lid." I use that term only to describe the object shown and discussed in the materials. It does not mean that I have determined who owned it, who manufactured it, what service it supported, where it came from, or whether it belonged to a particular installed valve enclosure. When quoting or summarizing testimony or an exhibit, I retain the term used in that source. Subject to the assumptions, contrary evidence, and limitations stated below, my eight opinions are: Accepting Reed's reported findings for purposes of this property-management analysis, his chronology identifies repeated relocation and repeated appearances in different exterior settings. The strongest on-property examples are the 2022-2024 extra-cover condition at the 4820 building-side utility area and his 2025 wall-side identification. ⁶ The wall-side location is particularly significant because it places the apparent condition within the building-perimeter environment rather than solely within a utility-equipment environment. These settings help test whether ordinary observation opportunities, if encountered, could enter a documented process of assessment, referral, follow-up, escalation, and resolution. They do not establish actual notice or a person-specific observation. Opinion 1. A professional property-management system should use an ownership-neutral initial response to an unusual, abnormal, unsecured, out-of-place, or potentially dangerous condition in a managed common area. The condition should enter a process of observation, documentation, assessment, assignment, referral, follow-up, escalation when necessary, and confirmation of resolution. Ownership may determine the ultimate responder, but it should not determine whether the condition enters the management process. Opinion 2. The exterior inspection practice described by the corporate witnesses was informal and was not reliably reconstructable from the materials reviewed. The

materials do not identify a defined route, assigned inspector record, checklist or equivalent scope record, inspection or negative-findings record, completion record, or supervisory verification. This is an auditability opinion, not a conclusion that no inspection occurred. Opinion 3. The testimony suggests that ownership uncertainty could prevent a utility-related condition from entering the normal management workflow. The process described did not identify an ownership-neutral method to document the condition, assess what was observable, determine who should handle it, assign responsibility, follow up, escalate when necessary, and confirm resolution while ownership or technical responsibility was being determined. Opinion 4. For this type of condition, the materials reviewed do not identify a consistent open- item record showing the observable condition, any nontechnical interim decision, the internal assignment, the outside referral, the follow-up date, the escalation step if responsibility remained uncertain or no response was received, and the event or observation supporting closure.

4 Reed Report pp. 4, 7, 12-14, 19-34, 50-52. 5 Cole Dep. 10:19-24; 11:1-13; 12:4-19; 12:24-13:4; 52:15-54:23; 60:12-20; Whitaker Dep. 97:11-25; 98:1-6; 101:1-13. 6 Reed Report pp. 7, 12-14, 19-26, 34, 50.

Opinion 5. The director role described in the testimony included organizational oversight of property managers and maintenance personnel, including how recurring work and open items were assigned, reviewed, and carried to closure. Whitaker's credentials provide professional context only. I do not assign her an incident-specific inspection task or offer a personal-fault opinion. Opinion 6. The prompt post-incident response included several appropriate property-management steps. The materials reviewed, however, do not identify a reconstructable management record of the report's attribution basis, the image creator and date, any provider inquiry, the details of the property walk, or the basis on which the matter was considered resolved. Opinion 7. Taken together, the testimony describes operational capacity to observe common areas, create work orders, direct personnel, contact ownership, and engage vendors, but it does not identify a connected ownership-neutral process for an unusual or potentially dangerous utility-related condition. The process described did not consistently connect identification, documentation, assessment, assignment, referral, follow-up, escalation when necessary, and confirmation of resolution. I offer no opinion on the legal significance of that systems analysis. Opinion 8. Accepting Reed's findings solely for purposes of this property-management analysis, the apparent cover repeatedly appeared in locations where a detached irrigation-system irrigation-valve enclosure lid would not ordinarily be expected as part of a functioning installation. The reported settings include utility-adjacent, landscaping, sidewalk-adjacent, and building- perimeter locations. The property-management significance is not ownership, causation, or actual notice. It is that reported appearances outside the apparent intended-use environment created multiple independent ordinary observation opportunities for documentation, assessment, referral, follow-up, escalation, and resolution through the management process. I do not assume that the management team had actual notice of the object. Accepting Reed's reported findings for purposes of this property-management analysis, his work provides important additional support for the repeated-opportunity portions of Opinions 1, 2, 3, 4, 7, and 8. I do not independently verify his image analysis or adopt independent conclusions about authentication, identity, continuity, movement, dating, ownership, control, causation, or technical imaging matters. Opinions 5 and 6 are independent of Reed, and all eight core property-management opinions remain independently supported by

the corporate testimony, the PMA's described functions as factual context, and the other records I reviewed.

2. EXPERT IDENTIFICATION AND CASE-RELEVANT QUALIFICATIONS My qualifications for management-system analysis within property-management expertise arise from more than twenty years of executive leadership, business ownership, portfolio oversight, commercial and multifamily operations, brokerage supervision, organizational management, project oversight, and practical responsibility for property-management management systems. My work has required me to design, implement, supervise, evaluate, audit, improve, and enforce organizational processes across companies, assets, teams, and regions. The experience most relevant here involves inspection systems, maintenance administration, work-order and open-item controls, documentation and reporting, vendor coordination, supervision, escalation, follow-up, emergency planning, incident response, and closure verification. In 2015, I founded the property-management division now known as Harvey Goodman Property Management, where I serve as Founder, President, and operating leader. My responsibilities have included creating and implementing policies and procedures, inspection protocols, maintenance-administration processes, documentation standards, accountability structures, reporting systems, vendor-management procedures, escalation protocols, follow-up processes, and methods for verifying closure. I also oversee property operations, maintenance, vendors, capital planning, brokerage activities, incident records, and coordination among owners, site teams, contractors, insurers, municipalities, engineers, and counsel. Those systems were informed by CPM and IREM educational concepts, property-management industry practices, executive and practical experience, and applicable regulatory requirements. I do not suggest that IREM mandated a particular protocol or that an educational source creates a legal duty.⁷ Throughout my career, I have not merely participated in management systems. I have been responsible for creating, implementing, supervising, auditing, evaluating, enforcing, and improving management systems involving inspections, maintenance operations, incident-response procedures, operational reporting, accountability controls, personnel management, vendor coordination, emergency preparedness, project oversight, documentation practices, follow-up procedures, escalation protocols, and closure-verification processes. From 2008 through 2015, I served as Regional Vice President at Core Realty Holdings Management, Inc. I was responsible for a portfolio of more than 6,000 units and a regional team of more than seventy employees. My work included property transitions, multi-property operations, staffing, supervision, maintenance administration, inspection systems, work orders and open items, reporting, financial controls, risk-management systems, compliance review, capital improvements, exterior rehabilitation, infrastructure work, and performance management. Portfolio scale requires repeatable systems. It cannot depend on individual memory, informal communication, or uncontrolled discretion. Across more than 6,000 units, management needed defined processes for inspection, work intake, assignment, documentation, reporting, financial control, supervisory review, follow-up, escalation, and confirmation that an item reached disposition. This experience informs, but does not prove, the analytical framework used in this report: whether a process existed, responsibility was assigned, conditions and open items were documented, issues were referred or escalated, supervision operated, follow-up occurred, and closure was verified. I do not suggest that I personally performed or continuously controlled every task. My role was executive and regional oversight of the systems, managers, controls, and performance processes through which work was carried out. From 2006 through 2008, I served as Associate General Manager of Four Seasons Town Centre, a 1.5-million-

square-foot super-regional shopping center. I oversaw facilities and maintenance coordination, security, vendors, corporate audits, emergency planning, access control, and annual capital projects exceeding \$20 million. That commercial-operations work required repeatable inspections, operational reporting, defined assignments, contractor and project oversight, follow-up when work remained open, and confirmation that work was completed across a heavily used site. I hold the Certified Property Manager (CPM) and Accredited Residential Manager (ARM) designations. I hold real-estate broker licenses in Georgia, Ohio, Pennsylvania, Virginia, and North Carolina, and a real-estate salesperson license in West Virginia. My current curriculum vitae provides additional detail regarding my professional history, credentials, licenses, teaching, appointments, speaking, publications, and recognitions.

INDUSTRY SPEAKING, PROFESSIONAL EDUCATION, AND THOUGHT LEADERSHIP I have been selected as a featured speaker and panelist at national property-management and real-estate conferences. A verified example is the 2019 Residential Property Management & Operations Forum, where I participated in a national panel concerning organizational structure for operations outside a home market. The subjects included multi-state and out-of-market operations; virtual, outsourced, remote, self-managed, and hybrid

7 Harvey Goodman Realtor, Company History and Meet the Team, company descriptions of the Property Management Division and Emily Goodman Shortall's role (last reviewed August 26, 2026): <https://harveyrentals.com/company-history/>; <https://www.harveyrentals.com/about/meet-the-team/>.

staffing models; centralization and decentralization; technology integration; employee performance; uniform standards; management structure; and decision authority.⁸ These engagements required more than reciting general concepts. They required evaluating actual operating structures, comparing alternative ways to allocate personnel and decision authority, identifying the controls needed for consistent performance, and communicating practical management-system experience to other industry professionals. Selection to speak provides biographical context for professional involvement and recognition. It does not establish that any particular operational model is correct, create a duty, or prove an opinion in this matter.

PUBLICATIONS AND PROFESSIONAL CONTRIBUTIONS I have authored numerous professional publications addressing property-management and organizational subjects, including workforce management, retention, leadership, diversity and inclusion, organizational culture, operations, staffing, and industry trends. My work has been published in the Journal of Property Management, which IREM describes as its flagship publication. Authorship required identifying an operational issue, organizing experience and information, and explaining management practices to a professional audience. Publication is part of my professional background; it does not establish that a publication or an opinion is correct.⁹ IREM honors people who have made significant contributions to disseminating property-management knowledge in written form by inviting them into its Academy of Authors. I am listed as a member of the Academy. That recognition reflects sustained written contribution to professional property-management discussion. It is biographical context and evidence of professional involvement only. It does not establish a legal duty, a standard of care, or the correctness of any opinion.¹⁰ The official IREM recipient page lists “Mrs. Emily C. Goodman-Shortall, CPM, ARM” as a recipient of the IREM Professional Achievement Award. IREM describes the award as bestowed on credentialed members who continued their professional development and made outstanding professional accomplishments beyond earning the credential. I cite the

recognition as peer and professional context only. It is not evidence of negligence, liability, duty, causation, a legal standard of care, or the correctness of an opinion.¹¹ Additional professional recognitions include IREM Chapter 56 CPM of the Year in 2012, Piedmont Triad Apartment Association Regional Manager of the Year in 2012, and recognition by the Journal of Property Management among its Top 30 Leaders Under 30. These recognitions provide context concerning leadership, performance, and industry involvement. Awards do not prove expertise on every subject and do not establish any case-specific conclusion. ¹²

Real Estate Education and Instruction I served as an Adjunct Professor of Real Estate and instructed real-estate principles and practices. Teaching required analyzing concepts, organizing information, explaining operating systems and professional practices, and communicating how real-estate and property-management principles function in application. It reinforces my ability both to perform and to explain work involving real-estate operations, brokerage concepts, management principles, and property-related practices. I offer teaching as part of my professional background, not as a legal qualification or a basis for a legal opinion.

Municipal Planning and Zoning Experience I served on the Planning and Zoning Committee for the City of Millersville, Ohio. That service involved review and evaluation of land use, zoning matters, development proposals, site considerations, development reviews, and municipal review processes. It added practical experience with structured property review, stakeholder coordination, regulatory processes, documentation, project evaluation, and property-related decision-making. I do not offer zoning-law or land-use-attorney expertise, and I do not provide a zoning or land-use-law opinion in this report.

⁸ National conference announcement concerning Emily Goodman Shortall's 2019 Residential Property Management & Operations Forum panel and listed recognitions (last reviewed August 26, 2026): https://www.abnewswire.com/pressreleases/emily-shortall-cpm-arm-caps-saint-clairsville-property-manager-selected-to-speak-at-national-conference-for-multifamily-property-management_412576.html. ⁹ IREM, Journal of Property Management, describing JPM as IREM's flagship publication (last reviewed August 26, 2026): <https://www.irem.org/learning/publications-news/journal-of-property-management>. ¹⁰ IREM, Academy of Authors, purpose and membership listing (last reviewed August 26, 2026): <https://www.irem.org/about-irem/directory/member-showcase/academy-of-author>. ¹¹ IREM, Professional Achievement Award, official description and recipient listing (last reviewed August 26, 2026): <https://www.irem.org/membership/professional-achievement-award>. ¹² National conference announcement listing the referenced professional recognitions (last reviewed August 26, 2026): https://www.abnewswire.com/pressreleases/emily-shortall-cpm-arm-caps-saint-clairsville-property-manager-selected-to-speak-at-national-conference-for-multifamily-property-management_412576.html.

Real Estate Development, Entitlement, and Due-Diligence Experience My experience also extends beyond ongoing property management to real-estate development, entitlement, and due-diligence work. At a professional management level, that experience has included due-diligence site assessments, site-condition evaluation, risk identification, feasibility review, design and construction coordination, scheduling, entitlement and permitting processes, municipal coordination, governmental approvals, agency coordination, permits and approvals, stakeholder coordination, regulatory-compliance review, and oversight of related project-management systems. I have used project-management systems and scheduling tools to improve accountability, prioritization,

coordination, follow-up, and execution. Those disciplines are relevant to management controls, documentation, assignment, open- item tracking, escalation, supervision, risk assessment, and verification of completion. I do not offer engineering, architectural, construction-defect, zoning-law, or land-use-law expertise or opinions.

PROFESSIONAL EDUCATION, LICENSURE, AND CREDENTIAL FOUNDATION My qualifications are informed primarily by more than twenty years of operational responsibility and practical management-system work, supported by formal education, professional certification, licensing education and examinations, post-licensing and continuing education, and applied professional assessment. I completed the CPM and ARM credentialing pathways applicable to my credentials. Those pathways combined professional education, examinations, qualifying management experience, and applied evaluation under the program structures applicable at the time. Current IREM materials provide context for the credentialing structure, but I do not imply that every credential holder completed today's exact course sequence.¹³ Within those pathways, I completed MNT402, historically titled Property Maintenance and Risk Management and currently titled Managing Maintenance Operations and Property Risk. Its subjects included proactive inspections; identification and documentation of maintenance needs and potential risks; preventive-maintenance planning; maintenance administration and controls; contractor oversight; risk transfer; emergency, disaster, and business- continuity planning; loss reduction; and protection of managed assets. ¹⁴ I also completed HRS402, historically titled Human Resource Essentials for Real Estate Managers and currently titled Leading a Winning Property Management Team. It addressed staffing, job functions, training, coaching, leadership, performance management, supervision, accountability, and management oversight. ¹⁵ The CPM pathway included applied assessment and examination, not education alone. The capstone or equivalent applied component required practical use of property and asset-management concepts, analysis of operating information, and management recommendations. Current IREM materials describe the present Management Plan Skills Assessment and CPM Certification Exam only as current context.¹⁶ My ARM and RES201 education, with RES201 currently titled Managing Residential Properties, addressed residential operations, finance, human resources, maintenance administration, operational controls, forms, checklists, and site-management practices.¹⁷ Collectively, my CPM, ARM, ETH800 ethics education, licensing education and examinations, post-licensing requirements, continuing education, and practice have reinforced inspection processes, maintenance administration, property risk and hazard recognition, emergency planning, documentation and reporting, management controls, organizational accountability, supervision, assignment, vendor coordination, follow-up, escalation, and closure verification. They also reinforced ethical decision-making, professional responsibility, regulatory compliance, and property-management oversight. These subjects support my familiarity with the systems analyzed in this report and reflect tested and assessed competency rather than course attendance alone. My multi-jurisdictional real-estate licensure includes broker licenses in Georgia, Ohio, Pennsylvania, Virginia, and North Carolina, and a real-estate salesperson license in West Virginia. The pathways were not identical, and I do not suggest that each jurisdiction required the same program or every subject in the same form. Considered collectively, the applicable licensing, post-licensing, examination, continuing-education, and practice experience supports

¹³ IREM, CPM Handbook 2026 and CPM checklist, current program descriptions (used as current context; last reviewed August 26, 2026): <https://www.irem.org/file%20library/globalnavigation/certifications/forindividuals/cpm/cpm->

handbook-2026.pdf; <https://www.irem.org/file%20library/globalnavigation/certifications/forindividuals/cpm/cpm-checklist.pdf>. 14 IREM, MNT402, Managing Maintenance Operations and Property Risk, current course outline (used as current program context; last reviewed August 26, 2026): <https://www.irem.org/File%20Library/Education/Outlines/MNT402.pdf>. 15 IREM, HRS402, Leading a Winning Property Management Team, current course outline (used as current context; last reviewed August 26, 2026): <https://www.irem.org/File%20Library/Education/outlines/HRS402.pdf>. 16 IREM, CPM Capstone, current MPSA and CPM Certification Exam description (used as current context; last reviewed August 26, 2026): <https://www.irem.org/certifications/for-individuals/cpm-certified-property-manager/certified-property-manager-cpm-step-3-test>. 17 IREM, RES201, Managing Residential Properties, current course outline and ARM checklist (used as current context; last reviewed August 26, 2026): <https://www.irem.org/File%20Library/Education/outlines/RES201.pdf>; <https://www.irem.org/file%20library/globalnavigation/certifications/forindividuals/arm/arm-checklist.pdf>.

familiarity with brokerage management, supervision, personnel and human resources, agency, fiduciary responsibility, ethics, fair housing and regulatory compliance, property operations, risk awareness, and operational accountability. The management-system concepts applied in this report were not developed solely for litigation. Identification, documentation, assessment, assignment, referral, follow-up, escalation, supervision, and closure verification are mainstream property-management disciplines repeatedly reinforced through education, examination, certification, licensure, continuing education, and practical application. They inform my evaluation of whether a process existed, responsibility was assigned, conditions and open items were documented, referral and follow-up occurred, supervision operated, escalation was available, and closure was verified. I do not use any education, program, credential, license, continuing-education course, or professional designation to establish negligence, liability, ownership, notice, causation, fault, or a legal standard of care. This education and credential foundation explains subject familiarity and methodology only. While my education, credentials, licensure, examinations, and continuing education provide important professional foundations, the opinions in this report arise primarily from practical experience. Throughout my career, I have been responsible for building, implementing, supervising, evaluating, auditing, and improving management systems within multifamily, office, retail, mixed-use, affordable-housing, brokerage, development, and asset-management environments. Those responsibilities required ongoing use of the same management-system functions evaluated in this report, including inspections, documentation, maintenance administration, assignment of responsibility, operational accountability, follow-up, escalation, and closure verification.

QUALIFICATION SUMMARY AND CONNECTION TO OPINIONS For more than twenty years, my executive work has included leadership across multifamily, office, retail, mixed-use, affordable-housing, brokerage, development, and asset-management operations. In those roles, I have been responsible for designing, implementing, supervising, evaluating, auditing, and improving systems for inspections, documentation, maintenance administration, assignment, vendor coordination, open-item tracking, escalation, and closure verification. Those functions correspond to the report's analysis of whether a process existed, responsibility was assigned, conditions and open items were documented, referral and follow-up occurred, supervision operated, escalation was available, and closure was verified. The experience informs that analysis; it does not prove a case-specific conclusion. As Founder and President of Harvey Goodman Property Management, I have been responsible for company-wide policies and procedures, inspection practices, maintenance protocols

and administration, documentation standards, accountability structures, vendor-management procedures, reporting systems, escalation protocols, follow-up, and closure verification. That operating responsibility required management processes that could recognize and document a condition without first resolving ownership, refer it to an appropriate participant, assign the next step, preserve continuity, follow up, escalate when needed, and record disposition. This connection concerns property- management process design and oversight. It does not establish that a legal duty or standard of care existed in this matter. At Core Realty Holdings Management, responsibility for a portfolio exceeding 6,000 units required large-scale inspection systems, maintenance administration, work-order and open-item controls, employee supervision, financial controls, reporting, risk management, and accountability. Operations across multiple properties, employees, vendors, and regions could not depend on individual memory, informal communication, or individual initiative alone. They required repeatable and auditable systems. That experience informs my evaluation of reconstructable inspection practices, open-item tracking, accountability, follow-up processes, and organizational oversight, without establishing that any opinion is correct merely because of portfolio scale. As Associate General Manager of Four Seasons Town Centre, a 1.5-million-square-foot super-regional shopping center, I worked in a large commercial and retail operating environment involving facilities, maintenance coordination, security, vendors, corporate audits, emergency planning, access control, and capital projects. The work required inspection practices, documentation, maintenance controls, vendor coordination, assignment, emergency planning, project oversight, and operational accountability across a heavily used site. It supports my practical familiarity with those management functions, not a legal conclusion about this matter. My CPM and ARM pathways, five broker licenses, West Virginia salesperson license, licensing examinations, post- licensing education, and continuing education provided formal instruction, testing, and applied assessment concerning maintenance, property risk, inspections, documentation, human resources, supervision, accountability, ethics, emergency planning, operational controls, brokerage management, and property-management oversight. As explained above, those educational pathways and requirements varied by credential and jurisdiction. They support subject familiarity and methodology only and are not a source of legal duty or a case-specific standard of care. My work as an Adjunct Professor of Real Estate, national conference speaker and panelist, and published author has required me not only to perform management work but also to analyze, explain, teach, and communicate real-

estate and property-management systems to students, professionals, owners, operators, and industry audiences. Those activities require ongoing engagement with changing management practices, organizational structures, staffing models, technologies, and operational challenges. They support my ability to explain the property- management reasoning used in this report; they do not make that reasoning legally controlling. As described in the preceding publication and recognition discussion, my professional background includes authorship in the Journal of Property Management, membership in IREM's Academy of Authors, and listing as a recipient of the IREM Professional Achievement Award. Those items provide context for professional involvement, leadership, and contribution to property-management discussion. They are not proof of any opinion or its correctness and do not establish duty, a standard of care, negligence, fault, liability, or causation. Taken together, my executive management, portfolio oversight, business ownership, commercial and retail operations, multifamily operations, brokerage practice, education, publications, teaching, speaking, recognition, development work, and project oversight have required the design, implementation, supervision, evaluation, auditing, enforcement, and improvement of property-

management management systems. They provide the foundation for my analysis of inspections, documentation, maintenance administration, accountability, supervision, vendor coordination, follow-up processes, escalation, closure verification, and management-system evaluation in this matter. My credentials, licenses, awards, publications, speaking engagements, teaching, appointments, and professional recognition do not establish legal duty, a legal standard of care, negligence, fault, liability, causation, ownership, notice, or the correctness of any opinion. They explain the property-management subject knowledge, operational experience, and methodology that inform my management-system analysis within property-management expertise. My opinions remain subject to every assignment, factual, and legal limitation stated elsewhere in this report.

3. ASSIGNMENT, SCOPE, AND BOUNDARIES

A. Assignment and questions presented My assignment is to analyze the property-management system described in the record. The organizing question is: What property-management process existed to identify, document, assess, assign, refer, follow up on, escalate, and resolve an unusual or potentially dangerous condition in a managed common area when ownership was uncertain or belonged to a third party? I evaluate the practical process, not ownership, technical maintenance responsibility, or legal duty. Counsel has requested a written report organized to disclose my opinions, bases, qualifications, materials considered, testimony history, and compensation. Counsel will determine the governing procedural and disclosure requirements.

B. Independence The opinions stated here are intended to be my own professional opinions. They should not change based on which party retained me. I am not acting as an advocate. My compensation is based on my customary hourly rate and is not contingent on the outcome of the case or the substance of my opinions. Counsel will advise me regarding any required compensation disclosure. I will disclose material new information for supplementation.

C. Matters outside my expertise and opinions not offered • No opinion on legal standards, fault, causation, liability, or evidentiary matters. • No credibility opinion, no opinion about whether any allegation is true, and no accusation of dishonesty. • No independent opinion on ownership, origin, manufacture, installation, identity, continuity, or last handling of the recovered cover. • No independent forensic-imaging, photogrammetry, metadata-authentication, meteorology, aerodynamics, engineering, irrigation-system, accident-reconstruction, medical-causation, or damages opinion. • No opinion that Whitaker personally had to inspect the site, personally saw the object, or personally caused an event. • No opinion that management had authority to discard, alter, open, secure, or repair carrier equipment.

These boundaries define the subjects on which I am and am not offering property-management opinions. Counsel and the court will address legal and evidentiary matters. Within those boundaries, I am evaluating a management system rather than reconstructing a physical event. I ask whether the described process could take an unusual exterior condition from observation to closure in a way that a supervisor could later understand. I do not decide whether a particular act was required by law, whether anyone was at fault, or whether a different process would have changed the incident. Those subjects are outside my assignment.

4. MATERIALS CONSIDERED AND CITATION CONVENTION Appendix A lists the materials I reviewed. My principal sources included the certified October 14, 2025 West Coast Management & West Coast Management corporate deposition containing the testimony of Marissa Cole and Dana Whitaker; the

depositions of Steve Hale and Officer Daniel Mercer; the deposition exhibits and written discovery listed in Appendix A; the Property Management Agreement; work-order materials; the certified police report; imagery exhibits; the professional materials identified in the footnotes; and Nathan Reed's February 12, 2026 Pixel Analysis report. Deposition citations provide the page and line where the testimony appears. Exhibit citations identify the exhibit and, when available, the relevant page. If I state that the materials reviewed do not identify a particular record, I mean only that I did not find that record among the materials I considered. I am not offering an opinion about whether the record existed elsewhere, was retained, or was destroyed. This report does not attempt to list materials I did not review. If additional information materially changes the factual basis of an opinion, I reserve the right to supplement, narrow, or amend that opinion. When reviewing the corporate testimony, I distinguished among three types of statements: what Cole and Whitaker said actually occurred, what they described as a general practice, and how they answered hypothetical questions. A description of what staff would do in a hypothetical situation does not establish that the same action occurred before the incident. I also evaluated the post-incident response separately from the pre-incident management process. A prompt response after an incident may be appropriate, but it does not establish what routine process existed beforehand. I used each exhibit only for the purpose supported by its contents. For example, the later Building Engines work orders show the format used to create and track a task, but I do not rely on them as evidence of pre-incident operations. The Property Management Agreement provides factual context about functions involving personnel, records, vendors, reporting, and investigation. I do not interpret the agreement or use it as the source of my opinions. I carefully reviewed and relied on Reed's historical-image analysis for the repeated-opportunity portions of my property-management analysis. Reed is the source of the image-identification, dating, and location conclusions. I evaluate what those conclusions mean from a property-management standpoint, including the opportunities for observation, documentation, referral, follow-up, and resolution. I do not independently verify or offer a forensic-imaging opinion.

5. METHODOLOGY: HOW I APPLIED MY PROPERTY-MANAGEMENT EXPERIENCE

A. Questions I use in practice

I applied the same practical questions I use outside litigation: What area is being managed? What could staff see without technical testing? Who was expected to look? What record would show that the area was checked? If staff found something unusual, what did they document? Was a safe, nontechnical temporary measure appropriate? Who should handle the item? Who inside the management team was responsible for following up? What happened if no one responded? What record showed that the issue was resolved?

Stage	Practical Question	Record I Would Expect
	Was a defined route and occurrence assigned	
Identify	and completed?	Schedule, route, completed inspection entry

Document What was seen, where, when, and by whom? Condition note, precise location, dated photograph

Assess Does the visible condition warrant prompt action? Risk classification and rationale

What reasonable nontechnical interim control is available?	Isolation, warning, controlled storage, or increased observation
--	--

Refer Who owns or is qualified to address the asset? Owner, carrier, vendor, or specialist contact

Who inside management owns the open item and Assign due date?	Named task owner and target date
What happens if ownership is disputed or Escalate response is absent?	Follow-up entry and supervisory review

Confirm What record documents the condition observed Reinspection, response, final photograph, closure Resolution at resolution? note

The analytical framework used in this section is informed by the education and training described in Section 2 as well as by practical experience. Inspection and maintenance education informs identification and assessment; documentation and reporting education informs preservation and tracking; leadership, brokerage-management, and human-resources education informs assignment, supervision, escalation, and accountability; and applied property- management practice informs follow-up and closure verification. I use that framework to evaluate management- system functions only, not to create legal duty, assign fault, or determine a legal standard of care.

B. How I applied those questions I compared the practices described by the corporate witnesses with the way I manage similar issues, the functions described in the PMA, and the incident records. I considered facts that favor management and reasonable alternative explanations. I kept established facts, disputed points, and accepted technical conclusions separate. I carefully reviewed and relied upon Reed's historical-image analysis for the repeated-opportunity portions of Opinions 1, 2, 3, 4, 7, and 8, while also confirming that each core opinion remains independently supported without that additional history. I did not perform an experiment, statistical model, scientific test, engineering calculation, site inspection, forensic image analysis, or weather reconstruction. My review concerns the management process, not whether any act or omission caused an injury. My method is grounded in experience. I identify the practices I use in day-to-day property management, compare them with the process described in the record, consider reasonable alternatives, and explain the limits of each opinion. I also tested the opinions against facts that point in management's favor. Staff made exterior observations. A checklist is not the only acceptable method. Utility workers could have left a cover temporarily. The PMA permits off-site staffing and does not identify a carrier-cover inspection function. The team responded promptly after the incident. None of those points changes the practical distinction

between doing technical work and managing an unresolved condition. They do, however, limit how far I take each opinion, and I address them where they matter. A useful management record does not have to be lengthy. A dated photograph, a short condition note, the location, the name of the person assigned, the outside contact, a follow-up date, and a closure entry may be enough. The point is not paperwork for its own sake. The point is continuity. If the first employee is unavailable, the next employee should be able to see what remains open and what to do next. For purposes of this report, closure verification refers to documenting the basis for concluding that an identified issue no longer requires further action. Closure verification may occur through reinspection, completed work, provider confirmation, documented transfer of responsibility, observation that a condition no longer exists, or another documented event supporting disposition. The purpose of closure verification is to create accountability and continuity by documenting why the matter was considered resolved. I use closure verification here as a management-system function arising from documentation, follow-up,

accountability, supervision, and open-item management. It is not presented as a separate industry standard and is not attributed to IREM.

6. FACTUAL BACKGROUND AND CHRONOLOGY

This section summarizes the record facts and testimony. I do not offer opinions in this section.

A. Established or record-supported facts The police and witness materials describe an object traveling through the exterior area at Harbor Ridge Corporate Center and contacting Laura Miller on January 18, 2025. I do not independently determine the object's identity, path, movement mechanics, wind forces, or physical cause. Police responded, photographed and recovered the object, and retained it. The day was described as extremely windy.¹⁸ I do not independently determine the path, wind force, or physical cause. Cole worked from Harbor Ridge Annex to the south approximately five days a week and performed exterior observations. She described building inspections addressing presentation, cleanliness, services, repair needs, landscaping, and irrigation, with maintenance needs entered into the work-order system.¹⁹ Whitaker was the director who personally managed seven properties, including the two Harbor Ridge buildings, and supervised property managers and maintenance engineers, including Cole.²⁰

POTENTIAL OPPORTUNITIES FOR OBSERVATION

I carefully reviewed and relied upon Reed's historical-image analysis for purposes of evaluating the property- management implications of the condition identified in his report. I accepted his identification, dating, and location conclusions for purposes of my property-management analysis. His findings document recurring appearances of the apparent condition over time, adding opportunities for onsite personnel to observe, document, investigate, refer, follow up on, and resolve the apparent condition. I do not infer that management saw it, independently find that each image shows the same object, find that an object remained continuously present or moved between locations, or find that management missed an inspection. These are additional opportunities for observation documented by Reed's analysis, not actual notice or forensic imaging findings of my own.

After the incident, Cole went to the scene, spoke with the officer, prepared the incident report, and joined a maintenance employee in walking both buildings, the grounds, and the parking lot. Whitaker requested officer and report information, reported to ownership, and passed ownership's request for a property walk to engineering. ²¹ Those prompt management steps are included in my analysis. The testimony describes meaningful operational capacity. Cole explained that inspections included exterior areas and that ordinary maintenance needs could enter the work-order system. Whitaker explained that property managers looked for dangerous conditions and things out of place, that common areas were part of the managed property, and that dangerous conditions should be addressed promptly. ²² Those capabilities are important. The systems concern is narrower: the materials reviewed do not identify a consistent ownership-neutral process for a condition believed to involve utility equipment. Cole described inspections about monthly in one exchange and an expectation of every couple of weeks in another. She used no checklist and created documentation when a work order was needed. ²³ I do not read that testimony as saying exterior walks did not occur. The systems question is whether the practice was assigned, documented, accountable, and reconstructable. The materials reviewed do not identify a defined route, checklist or equivalent scope record, assigned-inspector record, inspection or negative- findings record, completion record, or

supervisory verification. That absence in the reviewed materials is not proof that an inspection did not occur or that a record never existed.

18 Ex. 26, certified-copy p. 5 of 6; Mercer Dep. 9:14-10:2; 15:16-16:4; 19:1-8. 19 Cole Dep. 9:14-10:5; 11:12-22; 12:24-13:13. 20 Whitaker Dep. 68:3-16; 69:8-22; 73:17-23. 21 Cole Dep. 20:1-18; 21:12-25; 22:9-17; 25:12-20; 49:19-50:2; Whitaker Dep. 75:3-76:14; 78:21-79:10. 22 Cole Dep. 11:14-20; 12:24-13:13; 54:2-23; Whitaker Dep. 83:5-25; 85:16-20; 112:11-23; 113:10-21; 114:1-25. 23 Cole Dep. 11:14-12:3; 45:9-17; 53:1-17.

Whitaker's known-extra-cover testimony is relevant as a description of the stated process or decision rule. She explained that an extra cover on the ground would not necessarily prompt inquiry before the incident because utility workers might return.²⁴ I do not use that answer as a memory lapse, an admission that she or anyone else saw the object, proof of an actual pre-incident event, or a personal-fault finding. That distinction is important to my use of her testimony. A hypothetical can reveal the decision rule a manager says would guide the team even when it does not establish that the situation actually occurred. Here, the relevant rule was that an extra cover might not prompt inquiry because utility workers could return. I do not treat that answer as a forgotten event, an admission of observation, or evidence that Whitaker or anyone else encountered this cover. I treat it as a description of where the stated process would stop. From an operations standpoint, the possibility that workers planned to return supports a limited inquiry and assigned follow-up. It does not require technical handling, and it does not resolve who should keep track of the open condition while the explanation is checked.

B. Disputed or unresolved facts • Who owned, placed, installed, maintained, or last handled the recovered object, and where it originated. • Whether an object shown in any historic image is the recovered object, and whether any object remained continuously at any location. • The exact capture date of the 2025 GEOTIFF within the acquisition window stated by Reed. • The authorship, date, native file, and metadata for the post-incident Exhibit 11 photographs. • Whether utility personnel temporarily placed a cover on the ground and intended to return. • Which corporate entity performed each PMA function and the effective and execution dates of the produced agreement.

C. Assumptions used only for analysis The principal assumption is that an apparently detached enclosure lid, if present in a managed common area, was visually unusual and could have been encountered during an exterior walk without technical diagnosis. Accepting Reed's reported findings for purposes of this property-management analysis, the apparent cover did not remain in one location. It repeatedly appeared in different locations over several years. Each new location created a separate opportunity for observation and response. For the repeated-opportunity portions of Opinions 1, 2, 3, 4, 7, and 8, I accept Reed's identification, dating, and location conclusions without independently verifying them. This reliance does not establish actual notice, and I do not independently offer any forensic image, authentication, identity, continuity, movement, dating, ownership, control, wind, causation, or technical imaging conclusion.

D. Incident-focused chronology Date Event Classification and source

Produced PMA recites September 2023 with day	
February	Established only to the stated limits. Ex. 16, PDF pp.
blanks unfilled and undated signatures;	
2022, date	2, 22-23; Cole Dep. 54:19-23; Whitaker Dep. 102:5-
testimony places management beginning in	
incomplete	13.
September 2023.	

This is the first Reed-identified extra-cover
 Reed identifies an extra cover or cover-
 appearance at 4820 and a potential
 2021, Reed sized object beside the installed utility
 analysis
 observation setting involving installed utilities,
 cover near the 4820 building-side utility
 landscaped grass, the building exterior, and a
 cluster.
 nearby sidewalk. Reed Report pp. 13, 26, 34.

June 2024, Reed identifies an installed cover and a The ground-level and GIS perspectives add a Reed
 analysis detached second green cover in the grass second dated view of the building-side utility

24 Whitaker Dep. 97:11-99:1.

Date Event Classification and source

setting; neither corporate witness identified the
 beside the 4820 building and sidewalk in person shown in the Street View image as a
 June 2024 Street View and 2024 GIS West Coast Management employee. Reed Report pp. 7, 12-
 imagery. 14, 26, 28, 34; Cole Dep. 43:6-13; Whitaker
 Dep. 94:3-10, 19-25; 95:1.

Reed identifies the studied object against This is a distinct building-perimeter setting
 or adjacent to the 4820 building wall, under Reed's perspective and partial-
 March 30-April
 22, 2025
 southwest of the installed utility area, in a concealment analysis. The exact capture date
 GEOTIFF captured within this date is unresolved and the window straddles April
 window. 5. Reed Report pp. 19-25, 50.

Incident, police response, recovery,
 Record-supported, subject to witness limits. Sources
 January 18, 2025 management response, incident report, and
 cited above.
 exterior walk.

Post-incident, Four Exhibit 11 images lack date and Document characteristic noted in the reviewed
 date photographer on their face; Cole believed an materials. Cole Dep. 32:12-20; 34:6-16; Ex. 11 pp.
 unresolved engineer took them a day or two later. 1-4.

March 1, 2025 Recurring bimonthly utility-cover checks appear Later practice only; not used to assess
 pre-incident onward in produced work orders. operations. Ex. 13 pp. 1-3; Ex. 14 pp. 1-2.

The chronology above draws from testimony, documents, and Reed's historical-image analysis.
 Section 7 identifies exactly how I use his work, the property-management significance I assign to it,
 and the limits of that reliance. From a property-management perspective, the 2025 wall-side location
 has distinct significance because Reed places the apparent condition within the building-perimeter
 environment rather than solely within a utility-equipment environment. Property managers routinely
 observe building perimeters as part of ordinary common-area observation activities. Accepting
 Reed's interpretation, the apparent cover appears separated from its intended utility function and
 physically located in an area where such a cover would not ordinarily be expected. The January 10-

January 22, 2025 capture window straddles the incident date and is not treated as necessarily pre-incident.²⁵

25 Reed Report pp. 19–25, 50.

7. USE OF REED'S HISTORICAL-IMAGE ANALYSIS A. Why Reed's analysis matters to this management review Reed's analysis materially strengthens the repeated-opportunity basis for this review because it supplies a dated, location-specific history rather than a single isolated image. Accepting Reed's reported findings for purposes of this property-management analysis, the apparent cover repeatedly appeared outside its intended utility-function environment and in locations inconsistent with its intended use. The reported sequence includes locations near a roadway, near pedestrian areas, adjacent to installed utility equipment, and ultimately against the 4820 building. ²⁶ The property-management significance is not ownership or actual notice. The significance is repeated visibility, repeated relocation, and repeated opportunities for an ordinary management process to function.

B. What Reed identifies and concludes Reed states that he tracked an unsecured cover through four locations between 2021 and 2025 and offers strong support for his association of the historical and recovered items.²⁷ I accept his technical identification, dating, and location conclusions for purposes of this property-management analysis. I do not independently verify them. His sequence includes earlier appearances near 4860 and a crosswalk, but those places are part of his broader technical chronology only: the testimony does not establish them as routine West Coast Management routes or areas of West Coast Management inspection responsibility. Reed's association remains subject to the limits he describes: intermittent image capture, differing aerial and Street View perspectives, partial concealment, lower image resolution, more than one cover in the historical imagery, class characteristics shared by similar covers, and no image proof of the precise mechanism between locations. ²⁸ I therefore use the different locations Reed associates with the apparent cover as repeated-opportunity context, not as an independent conclusion about continuous presence, exact movement, ownership, or causation.

C. Focused 4820 date-and-location sequence

Image date condition/location	Reed-identified context	Ordinary management	Limitation
2024 GIS object beside the installed enclosure lid near the 4820 building-side utility cluster. ²⁹	Extra cover or cover-sized landscaping, sidewalk- edge, and building- exterior observation setting.	Potential utility-area, Reed's association, not independent individualization or day-to- day duration.	Aerial resolution supports
June 2024 Street View and 2024 GIS cover in the grass beside the building and sidewalk. ³⁰	Installed cover plus a detached second green within the broader exterior environment where grounds, common-area, utility-area, and perimeter observation is activity could occur. established.	Ground-level and aerial views place the condition person as a West Coast Management employee; no person- specific route or	Neither corporate witness identified the pictured
January 10–January 22, 2025 GEOTIFF window to the 4820 building wall, southwest of the installed utility area, under his perspective and partial- concealment analysis. ³¹	Reed identifies the studied object against or adjacent setting that could be encountered during an exterior walk or other activity around the building.	Distinct potential building- perimeter observation January 18; exact date, ground-route visibility, object identity, and duration are unresolved.	The capture date is a window that straddles

January 18, 2025 recovery recovered in a paved parking/drive area north-northeast of the wall-side position. ³²	Detached green cover another exterior setting and supplies recovery context. to it.	Shows the object in it does not establish a pre-incident opportunity at that resting place or the route	Post-incident context only;
26			
Reed Report pp. 4, 7, 12-14, 19-34, 50-52.			
27			
Reed Report pp. 4, 51-52.			
28			
Reed Report pp. 30, 32-33, 45-47, 50-52.			
29			
Reed Report pp. 13, 26, 34.			
30			
Reed Report pp. 7, 12-14, 26, 28, 34.			
31			
Reed Report pp. 19-25, 50.			
32			
Reed Report pp. 16-17, 27, 47-50.			

The central management issue is not ownership of the object, technical responsibility for irrigation-system equipment, or actual notice of a specific condition. The testimony describes a process that could stop at the perceived third-party ownership line. The central issue is whether the management system included a defined exception process for visibly abnormal conditions of uncertain ownership appearing within common areas. Property- management systems routinely encounter conditions involving property owned by tenants, contractors, vendors, utilities, municipalities, delivery services, and other third parties. Uncertainty regarding ownership ordinarily triggers documentation, assessment of what is visibly observable, referral, assigned follow-up, escalation when necessary, and closure verification. It does not ordinarily end the management process. Ownership of an object is different from operational responsibility for managing a condition involving that object on the property. Property managers routinely address conditions involving property that belongs to someone else. The property-management function is not to determine legal ownership before acting. It is to ensure that an observable condition enters a documented management process and remains within that process until resolution or verified transfer to a potentially appropriate responsible party. A functioning property-management exception process ordinarily includes recognition of an abnormal condition, documentation of the condition, visible-risk assessment limited to what is visibly observable, referral to a potentially appropriate party, assignment of follow-up responsibility, escalation when necessary, and verification that the condition has been resolved. These are administrative management functions. They do not require ownership of the condition, technical expertise regarding irrigation infrastructure, authority to repair utility equipment, or a irrigation-equipment inspection requirement. Repeated opportunities for observation should not be confused with actual notice. My opinions do not assume that any West Coast Management employee observed the condition before the incident. Rather, the significance of the reported locations is that they identify circumstances in which the management process could have operated if the condition was encountered or reported. The distinction between opportunity and actual notice is important because my analysis concerns system capability, not proof of individual awareness. Accepting Reed's findings solely for purposes of this property-management analysis, an apparent detached cover was reported across multiple imaging periods between 2021 and 2025. If one assumes, hypothetically,

that a commercial property employed a quarterly exterior-inspection cycle throughout that period, the interval would encompass approximately twenty-eight inspection cycles. I do not assume that twenty-eight inspections actually occurred, that any particular inspection included the reported locations, that the apparent condition was present during every inspection cycle, or that any employee actually observed the condition. The hypothetical is useful only to illustrate the distinction between inspection opportunities and actual observation. An inspection cycle represents an opportunity for a management process to encounter a condition. Actual observation requires proof that a condition was present, visible, and encountered by a particular observer during a particular inspection or site visit. My opinions do not depend upon establishing actual observation. Rather, accepting Reed's findings, the apparent condition was reported across multiple years, multiple locations, and multiple imaging periods rather than at a single location during a single moment in time. From a property- management perspective, the significance of that reported duration is that it encompasses repeated opportunities for an ordinary management process to recognize, document, assess, refer, assign, follow up on, escalate when necessary, and verify resolution of a condition if encountered. The hypothetical does not prove notice, actual observation, ownership, identity, continuity, or causation. Its limited significance is that, even under conservative assumptions, a condition reported across multiple imaging periods creates materially more opportunities for documentation, assessment, referral, follow-up, escalation, and closure verification than a condition confined to a single isolated event. My analysis concerns management-system capability, not proof that a particular person observed the condition. Accepting Reed's findings for purposes of my property-management analysis, the reported locations became increasingly inconsistent with the apparent intended use of a secured irrigation-valve enclosure lid. Across Reed's broader reported sequence, the locations included roadway-adjacent, utility-adjacent, and ultimately building-perimeter environments. I use that sequence only as Reed-reported repeated-opportunity context, subject to his stated image limitations and the unresolved timing, identity, continuity, and duration issues described in this report.

D. Connection to onsite staffing and exterior activity Marissa Cole testified that she worked from the Harbor Ridge Annex office and was generally there five days per week. She described exterior inspections around the buildings and confirmed that inspection coverage included buildings, grass areas, the parking lot, and common areas, with attention to dangerous or potentially dangerous conditions. 33

33 Cole Dep. 10:19–24; 11:1–13; 12:24–13:4; 54:2–23.

West Coast Management maintenance engineers rotated among five buildings and worked or participated in Harbor Ridge inspections; Torres and Lawson were the predominant Harbor Ridge maintenance contacts.³⁴ Dana Whitaker personally managed Harbor Ridge Center and Annex, used the Harbor Ridge Annex office, looked for things out of place during ordinary arrivals and drives, looked at the property whenever she came in or drove by, and sometimes participated in inspections. The record does not quantify a schedule of senior-management visits. ³⁵ Utility activity occurred in the broader area, but witnesses said pre-incident staff did not specifically inspect enclosure lids. ³⁶

E. Management significance: repeated and varied ordinary observation settings Accepting Reed's findings solely for purposes of this property-management analysis, the apparent cover repeatedly appeared in locations where a detached irrigation-valve enclosure lid would not ordinarily be expected as part of a functioning installation. The reported settings include utility-adjacent,

landscaping, sidewalk- adjacent, and building-perimeter locations. The apparent condition therefore repeatedly appeared outside its apparent intended-use environment. The property-management significance is the repeated opportunity for a management process to identify, document, assess, refer, assign, follow up on, escalate when necessary, and verify closure if the condition was encountered or reported. It is not an ownership, actual-notice, causation, or technical- responsibility conclusion.³⁷ From a property-management perspective, the wall-side location is particularly significant because it places the apparent condition within the building-perimeter environment rather than solely within a utility-equipment environment. Property managers routinely observe building perimeters during ordinary common-area activity. Accepting Reed's interpretation, the apparent cover appears separated from its intended utility function and physically located where such a cover would not ordinarily be expected. This does not establish a person-specific route, sightline, exact date within the capture window, observation, or notice. 38

F. Ordinary Property-Management Observation Opportunities Onsite property-management presence. Marissa Cole testified that she worked from the Harbor Ridge Annex office and was generally there five days per week. Her exterior observations included the buildings, grass areas, parking lot, and common areas. Those facts identify recurring opportunities for ordinary observation. They do not establish that she saw the object or followed a particular route.³⁹ Management visits and supervisory observations. Dana Whitaker personally managed Harbor Ridge Center and Annex, used the 2 Harbor Ridge office, and testified that she looked at the property whenever she arrived or drove by and sometimes participated in inspections. She described looking for dangerous conditions and things out of place. The transcript does not quantify the frequency of her onsite presence. These are observation opportunities, not proof of a sighting.⁴⁰ Engineering and maintenance activities. West Coast Management maintenance engineers rotated among five buildings and worked or participated in Harbor Ridge inspections; Torres and Lawson were the predominant Harbor Ridge maintenance contacts. Exterior maintenance and inspection activity can create observation opportunities beyond a formal inspection route. The testimony does not establish daily engineering presence or that an engineer encountered the object. 41 Utility-area observation setting. Reed identifies an installed cover and an extra or detached cover adjacent to the 4820 utility equipment in 2021 and 2022. The reported configuration is visually different from properly installed equipment because one cover remains installed while another appears detached beside it. This is relevant to ordinary exterior observation, but I do not assert that a irrigation-equipment inspection requirement applied to West Coast Management.⁴² Building-perimeter observation setting. In the January 10-January 22, 2025 GEOTIFF capture window, Reed identifies the apparent cover against or adjacent to the 4820 wall. From a property-management perspective, this location has unique significance because it places the apparent condition within the building-perimeter environment rather than solely within a utility-equipment environment. Property managers routinely observe building perimeters as part of ordinary common-area observation activities. Accepting Reed's interpretation, the apparent cover appears separated from its intended utility function and physically located in an area where such a cover would not ordinarily be expected. The window straddles January 18, and I do not treat the image as necessarily pre-incident. 43

34 Cole Dep. 12:4-19; 52:15-54:1; 60:12-20; Whitaker Dep. 97:11-25. 35 Whitaker Dep. 69:8-22; 74:18-23; 83:5-84:10; 98:1-6; 101:1-13. 36 Whitaker Dep. 85:21-88:6; 99:15-100:9; Cole Dep. 35:7-18. 37 Reed Report pp. 4, 7, 12-14, 19-34, 50-52. 38 Reed Report pp. 19-25, 50. 39 Cole Dep. 10:19-24; 11:1-13; 12:24-13:4; 54:2-23. 40 Whitaker Dep. 69:8-22; 74:18-23; 83:5-84:10; 85:16-20; 98:1-6; 101:1-13. 41 Cole Dep. 12:4-19; 52:15-54:1; 60:12-20; Whitaker Dep. 97:11-25. 42 Reed Report pp. 7, 12-14, 26, 34. 43 Reed Report pp. 19-25, 50.

These ordinary observation opportunities do not establish that any West Coast Management employee saw the object, that any particular route or sightline existed, or that a irrigation-equipment inspection requirement applied to West Coast Management. They provide context for system capability only and do not establish actual notice.

G. Boundaries and effect on opinions No witness testified that he or she actually saw the object before the incident, and West Coast Management denied awareness in its answer to Interrogatory 17. (Ex. 15, Interrogatory 17, PDF p. 8 [printed p. 7].) I do not use Reed's report to establish actual notice, continuous presence, exact visibility, ownership, control, movement, dating beyond his stated windows, causation, a person-specific route, or a legal conclusion. His analysis provides important additional factual support for the repeated-opportunity portions of Opinions 1, 2, 3, 4, 7, and 8. Opinions 5 and 6 remain entirely independent of Reed's work.

8. PROPERTY-MANAGEMENT PRACTICES FOR COMMON-AREA ISSUES

A. A practical management approach Ownership of an object differs from operational responsibility for managing a condition involving it on the property. I am not opining that West Coast Management should have repaired irrigation equipment. In my experience, the initial property-management response should be ownership-neutral. The first question is not who owns the condition. The first question is whether an observable condition in a managed common area appears unusual, abnormal, unsecured, out of place, potentially dangerous, or otherwise requires attention. Ownership may determine the ultimate responder, but ownership does not determine whether the condition should enter the management process. This is a property-management systems analysis of documentation, assessment, assignment, referral, follow-up, escalation, accountability, and closure verification, not an opinion on notice, irrigation-system responsibility, ownership, or causation.

B. When ownership is uncertain

A professional management system should convert an observable condition that appears unusual, abnormal, unsecured, out of place, or potentially dangerous into management action: identify it, document it, assess what is observable, assign the open item, refer it to the appropriate party, follow up, escalate when necessary, and confirm resolution. This ownership- neutral process does not assume ownership or repair authority. It simply keeps the condition in the management workflow while responsibility is determined. That inquiry can remain modest. Staff can record the object's appearance and location, note what is and is not known, avoid technical handling, and notify the property owner. The team can then contact a likely provider or qualified vendor and assign one person to track the response. If the first contact disclaims responsibility or does not respond, the record should show the next step. The condition remains open until a responsible party addresses it or the team otherwise confirms that it is no longer present as an unresolved common-area issue. This approach does not require the manager to label the object as dangerous, determine its technical function, or decide who owns it. It asks the manager to recognize that an apparently detached or displaced object is unusual in the setting and to move that observation into an ordinary coordination process. Technical uncertainty is a reason to refer the matter, not a reason to leave it undocumented.

C. Abandoned-vehicle analogy A PRACTICAL COMPARISON, NOT A LEGAL OPINION

As a practical analogy, property managers may document and refer an apparently abandoned vehicle even though they do not own it. Vehicle tagging and authorized towing are different from handling apparent utility equipment. For utility equipment, the management response should focus on documenting the condition, using safe nontechnical measures when appropriate, contacting the right party, assigning follow-up, and confirming that the issue was addressed; not on technical work or assuming authority to remove the item.

The point of the analogy is simple: a management team can document an unusual condition and determine who should handle it without deciding ownership or exercising control it does not have. I leave ownership and authority questions to others. An apparently abandoned vehicle is a useful operational analogy, not a legal analogy. Property managers routinely document a vehicle on site, check available information, notify the appropriate party, follow an authorized process, and confirm removal even though they do not own the vehicle and may not personally tow it. The same division of work applies here at a higher level of caution. Management need not open, repair, or remove apparent irrigation equipment. It can document the condition, make the appropriate referral, assign follow-up, and verify the result.

In real commercial operations, the first outside contact may not accept responsibility. A utility may say the equipment belongs to another provider. A contractor may say materials belong to a subcontractor. A tenant may deny that an item came from its premises. None of those responses requires site staff to decide ownership. The management task is to preserve the observation, record the response, select a reasonable next contact, and keep the issue assigned. The abandoned-vehicle analogy works for that reason. The manager does not become the vehicle owner or towing operator. The manager uses an authorized process and maintains an internal record until the site issue is addressed. Apparent irrigation equipment calls for the same management discipline with greater care not to touch, open, diagnose, repair, or remove it without authority.

D. Common conditions with an unknown responsible party

The same practical follow-up applies to many common-area issues when the responsible party is not immediately known. Examples include apparently abandoned vehicles, contractor materials, construction debris, temporary utility equipment, displaced signs, and dumped property. The response depends on the item. A vehicle may involve tagging and authorized towing. Apparent utility equipment calls for safe nontechnical measures, referral, follow-up, and confirmation; not technical handling or assumed removal authority. E. Ordinary examples of the same management principle

The same management principle appears in ordinary commercial-property situations: an apparently abandoned vehicle; a shopping cart away from its retailer; contractor material outside a work zone; a detached panel or cover; a damaged or displaced sign; or a delivery item left in a pedestrian route. These are routing analogies, not claims that every object presents the same hazard. The shared process is proportionate: document what is visible and where it is; assess apparent exposure to pedestrians, vehicles, weather, or operations; determine the internal or outside referral recipient; assign and track follow-up; and confirm the final disposition. Uncertain ownership changes the likely recipient of the referral, not whether the observation can enter the management system. Repeated relocation changes the operational context. An object beside installed equipment may first present as a utility-area condition. The same apparent object later appearing in landscaping, near a pedestrian route, or at a building perimeter presents a new site condition in a different ordinary

observation setting. Accepting Reed's reported findings, each changed location created a new and independent opportunity to record the condition, assess what was visible, route it to an appropriate recipient, assign follow-up, escalate if unresolved, and confirm disposition. This is a property-management process point, not an opinion on identity, movement, ownership, causation, or actual notice.

F. A practical, property-specific process The timing and form of the process depend on the property, staffing, use, known conditions, weather, and owner requirements. I do not identify a universal schedule for inspecting carrier covers. A practical process can be simple: define the areas to be checked; assign the work; record completion; photograph unusual conditions; identify the responsible person; contact the appropriate outside party; set a follow-up date; identify the next step if no one responds; and record how the issue was resolved. Recording that no unusual condition was found also matters because it shows that the area was actually checked. A repeatable process should also distinguish a finding from a completed inspection with no unusual finding. If the system records only conditions that become work orders, it cannot show whether a particular area was checked and appeared normal. A brief completion entry gives management a history of coverage. A separate issue entry gives management a history of action. Together, they let a supervisor review whether the process is functioning without requiring an elaborate inspection program. On a multi-building commercial site, the route and handoff matter as much as frequency. Different employees may pass through the same grounds for landscaping, maintenance, tenant service, snow response, security, or routine management. A defined process tells each person what should be reported and gives one person responsibility for the open item. Without that handoff, repeated presence can produce repeated informal observations without a durable record or a confirmed result. I do not say that

occurred here. I explain why assignment and documentation are important when more than one person may observe exterior conditions. Supervisory review should focus on exceptions and aging items. A supervisor need not read every routine observation. A simple review can identify conditions that remain open past a follow-up date, referrals that received no response, items with disputed ownership, and tasks closed without a stated basis. That is how a property-management team turns individual observations into a reliable operating system while keeping the process proportionate to the property and the condition. An auditable inspection practice answers both coverage and action questions. The assignment shows who was expected to perform the walk. The route or stated scope shows which exterior areas were included. The date and observer identify when and by whom the work was completed. The findings show what appeared normal and what was unusual. A referral record shows where an unusual item was directed. A later entry shows whether the item remained open or was resolved. If those elements are not available, the history cannot be reliably verified. That is different from proving that no inspection occurred. Informal walks may have occurred and employees may have observed many ordinary conditions. The limitation is that the reviewed record does not allow a supervisor to reconstruct the coverage, findings, exceptions, or follow-through for a particular occasion. The process should allow escalation. An outside party may deny ownership, fail to respond, or say that work is pending. The internal task owner should know when to recontact the provider, notify ownership, seek a qualified vendor, increase observation, or obtain further direction. The exact choice is property-specific. What matters is that the issue does not disappear from the system simply because the first answer is uncertain.

G. PMA AS FACTUAL CONTEXT

A. Status and limits I reviewed the PMA only for factual context concerning described personnel, records, vendor-coordination, and reporting functions. I do not interpret the agreement, identify obligations under it, or use it as the source of a property-management standard. It names West Coast Commercial Management Holdings, Inc., while the deposed defendant is West Coast Commercial Management, Inc.; Section 2.1 refers to affiliates, but the record reviewed does not fully establish the entity bridge. The document recites September 2023 with blank day fields and undated signatures. 44 It contemplates off-site personnel and does not expressly require inspection of irrigation-system covers.

B. Functional provisions

Provisio

Function reflected in the text

Limit applied here

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Describes personnel assignment and Hiring, selection, direction, supervision, and discharge of 2.2 supervision; no Whitaker-specific inspection personnel. opinion.	
Describes general operations language; not Diligent efforts to operate, manage, and maintain the property 2.3 used as a property-management standard under industry standards; off-site staffing permitted. or inspection interval.	
Describes records categories; no opinion Books and records, including maintenance programs, 2.4 that every observation used a particular schedules, logs, inventories, and vendor correspondence. form.	
Contracts, vendors, supplies, and approved professional 2.7 Describes vendor-contracting functions; no carrier-work interpretation.	

2.8(a) Repairs, maintenance, preventive maintenance for listed No carrier-cover inspection process is

44 Ex. 16, PDF pp. 2, 22-23; Sections 2.1, 11.7; Whitaker Dep. 102:5-13; 115:15-22.

Provisio	
Function reflected in the text	Limit applied here
n	

identified in the text; no technical-work systems, and emergency-repair authority. opinion.

Owner notice with supporting material for specified notices, 2.14 Describes notice language tied to known defects, or repair requirements known to management. matters; no legal interpretation.	
Prompt reporting of known accidents and claims and 2.15 Post-incident reporting function only.	

preparation of requested insurer reports.	
Reasonable care for the owner and exclusion of services 2.18 requiring specially licensed professionals.	Describes care-for-owner and specialized- services language; no legal interpretation.
Monthly operating reports and other owner-requested reports, 5.2 potentially including inspection, repair, litigation, and insurance reports for added charges.	Describes reporting categories and added- charge language; no property-management standard derived.
Cooperation with insurer access and reasonable 7.5 requirements.	Describes insurance-coordination language; no inspection standard derived.
Investigation and reporting of known claims, actions, 7.6 proceedings, and property damage.	Describes post-incident investigation and reporting language; no legal interpretation.

For factual context only, Section 2.18 contains language concerning care for the owner and specialized services, while Section 5.2 addresses reports. I offer no interpretation of either provision or its legal effect.

C. Later work orders Beginning in March 2025, recurring work orders instructed engineers to check irrigation-valve lids. 45 I considered the later work orders only as examples of a task format; recurring instruction, assignment, and recorded completion; and not as evidence of pre-incident operations. Counsel and the court will determine whether and how those materials may be used.

H. CORPORATE TESTIMONY ABOUT THE PROCESS

A. Cole Cole described a functioning observation and work-order habit for ordinary property conditions. She also explained that utility conditions were generally left to utilities, West Coast Management did not audit or oversee utility equipment, and those conditions did not ordinarily trigger reporting. When asked about a visibly damaged cover, she explained that management would not necessarily report it and would 'not really do anything' because the telecom company might already know or have a work order. 46 The testimony describes the process; it does not establish that Cole personally saw the object or had actual notice. She estimated inspections at about monthly in one exchange and described an expectation of every couple of weeks in another, used no checklist, and generated documentation when a work order was needed. 47 The testimony does not show that exterior walks never occurred. It shows an informal process whose occurrence, route, negative findings, and exceptions cannot reliably be reconstructed.

B. Whitaker Whitaker described property managers looking for dangerous conditions and things out of place, including in common areas, and agreed that a dangerous condition should be addressed promptly. She also described no pre-incident process specifically directed to utility-cover inspection, explaining that utilities

45 Cole Dep. 46:7-16; 47:3-21; Whitaker Dep. 90:8-19; 91:8-19; Ex. 13 pp. 1-3; Ex. 14 pp. 1-2. 46 Cole Dep. 11:14-20; 12:24-13:13; 13:14-22; 14:6-16; 15:1-9. 47 Cole Dep. 11:21-12:3; 45:9-17; 53:1-17.

handled, maintained, and repaired their equipment. 48 The management significance is the distinction between technical repair responsibility and whether an observable condition enters the management process. Whitaker also addressed a hypothetical involving a known extra cover on the ground. Whitaker testified that before the incident it would not have prompted her to determine

whose box it was or why it was unsecured because many people worked on the boxes and she would not know whether they intended to return. 49 That testimony describes how the witness understood the process for the stated hypothetical; I do not assess credibility or evidentiary weight.

C. What the testimony describes The witnesses described a team that could observe common areas, create work orders, direct staff, contact ownership, and engage vendors. The issue is not whether property management owned the cover, performed irrigation-system work, or possessed authority to repair utility infrastructure. The issue is whether the process included a method to identify an unusual or potentially dangerous condition, document and assess it, determine who should handle it, assign responsibility, follow up, escalate when necessary, and confirm resolution. The testimony suggests that ownership uncertainty could prevent a condition from entering the normal management workflow. The materials reviewed do not identify an ownership-neutral process designed to keep the condition open while responsibility was being determined. This is a systems concern, not an opinion about intentional disregard, indifference, concealment, actual notice, or personal fault.

48 Whitaker Dep. 83:5-25; 85:16-86:17; 91:20-92:22; 112:11-23; 113:10-21; 114:1-25. 49 Whitaker Dep. 98:11-99:1.

9. EXPERT OPINIONS Each opinion is organized in the same way: My Opinion; Why I Reached This Opinion; Information I Relied On; and Limitations. This format separates my property-management judgment from the record information, assumptions, and limits that apply to it.

OPINION 1 HANDLING A POTENTIALLY UNSECURED OBJECT

OPINION 1 | HANDLING AN UNUSUAL EXTERIOR OBJECT My Opinion A professional property-management system should use an ownership-neutral initial response to an unusual, abnormal, unsecured, out-of-place, or potentially dangerous condition in a managed common area. The condition should enter a process of observation, documentation, assessment, assignment, referral, follow-up, escalation when necessary, and confirmation of resolution. Ownership may determine the ultimate responder, but it should not determine whether the condition enters the management process. Why I Reached This Opinion In my experience, the initial property-management response should be ownership-neutral. The first question is not who owns the condition. The first question is whether an observable condition in a managed common area appears unusual, abnormal, unsecured, out of place, potentially dangerous, or otherwise requires attention. Ownership may determine the ultimate responder, but it does not determine whether the condition should enter a management process of documentation, assessment, assignment, referral, follow-up, escalation when necessary, and confirmation of resolution. The operational sequence matters because each step answers a different question. Documentation preserves what staff saw. A visible assessment determines whether a nontechnical interim measure should be considered. Referral gets the matter to someone with the appropriate authority or expertise. Internal assignment prevents the issue from becoming everyone's responsibility and therefore no one's task. Follow-up addresses silence or disputed responsibility. A closing record shows why management considered the matter resolved. I am not opining that West Coast Management should have repaired irrigation equipment. Technical uncertainty explains why management should preserve distance and refer the condition. It does not determine whether management documents what is visible, assigns the open item, and tracks it until an appropriate responder addresses it or management otherwise confirms resolution. Information I Relied On Management watched exterior areas for ordinary conditions and used work orders when it identified maintenance needs. Cole agreed that her role included watching common-area grounds

for dangerous or potentially dangerous conditions, and Whitaker agreed that a dangerous-appearing condition should be addressed promptly. 50 The PMA describes personnel, records, vendor coordination, and reporting functions. I use those provisions only as factual context; my opinion comes from property-management experience, not from interpreting the agreement. I carefully reviewed and relied upon Reed's historical-image analysis for the repeated-opportunity portion of this opinion and accepted his identification, dating, and location conclusions for purposes of my property-management analysis. Reed's strongest on-property examples are the 2022–2024 extra or detached cover beside installed equipment near the 4820 building and sidewalk and his 2025 wall-side object.⁵¹ Paired with Cole's onsite office presence and the team's exterior activity, those settings add varied potential opportunities to observe, document, assess, refer, follow up, escalate, and resolve a condition if encountered.⁵²

50 Cole Dep. 11:14–20; 12:24–13:13; 54:2–23; Whitaker Dep. 83:5–25; 85:16–20; 112:11–23; 113:10–21. 51 Reed Report pp. 7, 12–14, 19–26, 34, 50. 52 Cole Dep. 10:19–24; 11:1–13; 12:24–13:4; 52:15–54:23; Whitaker Dep. 97:11–25; 98:1–6; 101:1–13.

Limitations The PMA does not mention irrigation-valve enclosure lids, off-site staffing is permitted, and actual notice has not been established. I limit this opinion to the management process and do not select a particular temporary measure for this incident. I did not independently perform or verify forensic image analysis and do not offer a forensic imaging opinion, including any independent conclusion about image authentication, object identity, continuity, movement, wind, or causation. Reed's analysis provides important additional support for the repeated-opportunity portion of this opinion. The core opinion remains independently supported by the corporate testimony, the PMA's described functions as factual context, and the other records I reviewed.

OPINION 2 EXTERIOR INSPECTION PRACTICES

OPINION 2 | A REPEATABLE AND VERIFIABLE EXTERIOR PRACTICE My Opinion The exterior inspection practice described by the corporate witnesses was informal and was not reliably reconstructable from the materials reviewed. The materials do not identify a defined route, assigned inspector record, checklist or equivalent scope record, inspection or negative-findings record, completion record, or supervisory verification. This is an auditability opinion, not a conclusion that no inspection occurred. Why I Reached This Opinion The issue is not whether people occasionally walked the property. A reconstructable inspection process identifies the intended scope or route, who was assigned, when the inspection was completed, whether anything unusual was found, what open items resulted, and whether a supervisor could verify completion and follow-through. No single form is mandatory, but the process should be accountable and reconstructable. The materials reviewed do not identify a checklist or equivalent scope record, a defined route, an assigned-inspector record, an inspection or negative-findings record, a completion record, or supervisory verification. That record limitation does not prove that no inspection occurred, that employees did not make exterior observations, or that a record never existed. It means the described inspection history cannot be reliably reconstructed from the materials reviewed. Onsite presence increases the number of ordinary occasions on which exterior areas can be observed, but presence alone does not create a verifiable inspection history. Accepting Reed's reported findings, repeated relocation and repeated appearances in different locations added separate observation opportunities over time. They do not show that a particular employee saw the apparent condition or missed an assigned inspection. Their management significance is that a repeatable process would have had more than one occasion, and more than one ordinary observation opportunity, in which to capture, document, and route the

condition if encountered. Information I Relied On Cole testified that she worked from the Harbor Ridge Annex office and was generally there five days per week. She described periodic exterior inspections but no checklist and documentation when a work order was needed. Rotating maintenance engineers also worked or participated in Harbor Ridge inspections. Whitaker looked at the property whenever she arrived or drove by and sometimes participated in inspections, but her onsite frequency was not quantified.⁵³ The PMA describes personnel direction, property operations, and records. I use those provisions as factual context only. I carefully reviewed and relied upon Reed's historical-image analysis for the repeated-opportunity portion of this opinion and accepted his identification, dating, and location conclusions for purposes of my property-management analysis. Reed's 2022–2024 building-side utility-cluster views and his 2025 wall-side identification create multiple potential observation settings against which the described exterior practice can be

⁵³ Cole Dep. 10:19–24; 11:1–13; 12:4–19; 45:9–17; 52:15–54:1; 60:12–20; Whitaker Dep. 83:5–84:10; 97:11–25; 98:1–6; 101:1–13.

tested.⁵⁴ The significance is whether a repeatable process could record coverage and convert a condition, if encountered, into documented action, not whether a particular person saw it. Limitations Informal walks occurred, and attentive employees can notice problems without a checklist. The absence of a produced record does not prove that no walk occurred. I do not prescribe one schedule for every property, and the exact form of a suitable process can vary. I did not independently perform or verify forensic image analysis, and Reed's findings do not establish actual notice or a missed inspection. His analysis provides important additional support for the repeated-opportunity portion of this opinion. The core opinion remains independently supported by the corporate testimony about the inspection practice, the PMA's described functions as factual context, and the other records I reviewed.

OPINION 3 FOLLOW-UP WHEN RESPONSIBILITY IS UNCERTAIN

OPINION 3 | FOLLOW-UP WHEN RESPONSIBILITY IS UNCERTAIN My Opinion The testimony suggests that ownership uncertainty could prevent a utility-related condition from entering the normal management workflow. The process described did not identify an ownership-neutral method to document the condition, assess what was observable, determine who should handle it, assign responsibility, follow up, escalate when necessary, and confirm resolution while ownership or technical responsibility was being determined. Why I Reached This Opinion The testimony suggests that ownership uncertainty could prevent a condition from entering the normal management workflow. In my experience, the initial response should remain ownership-neutral while responsibility is determined. Management can document and assess what is observable, avoid technical handling, notify ownership, refer the item to a likely provider or qualified vendor, assign internal follow-up, escalate when necessary, and confirm resolution without deciding ownership. The issue is not whether property management owned the cover, performed irrigation-system work, or possessed authority to repair utility infrastructure. The issue is whether the process described included a method to identify and route an unusual or potentially dangerous condition through documentation, assessment, assignment, referral, follow-up, escalation when necessary, and confirmation of resolution. The testimony reviewed does not identify a consistent process for those steps when personnel believed a condition involved utility equipment. The temporary-work explanation is reasonable and deserves consideration. A provider may place a cover on the ground and plan to return. A short documented inquiry can test that explanation while respecting the provider's work. If the provider confirms active work and a return time, the team has a basis for

follow-up. If no provider claims the item, the team can escalate without having assumed ownership. Information I Relied On Cole stated that the company left utility conditions to the companies and would not report even a visibly cracked cover because a utility might know. Whitaker stated that a known extra cover on the ground would not have prompted inquiry before the incident because workers might return.⁵⁵ The PMA describes vendor, reporting, and personnel functions. In my experience, staff can document and refer an unresolved condition without deciding technical responsibility. I carefully reviewed and relied upon Reed's historical-image analysis for the repeated-opportunity portion of this opinion and accepted his identification, dating, and location conclusions for purposes of my property-management analysis. Reed's 2022–2024 depictions of an extra or detached cover beside the installed equipment, followed by his 2025 wall-side identification, show why uncertain ownership should be treated as a routing

⁵⁴ Reed Report pp. 7, 12–14, 19–26, 34, 50. ⁵⁵ Cole Dep. 13:14–15:9; Whitaker Dep. 85:21–87:24; 98:11–99:1.

question.⁵⁶ Each Reed-identified setting supplies a potential occasion to document the visible condition, identify or refer the appropriate recipient, assign follow-up, and confirm disposition if personnel encountered it. Limitations Utility personnel could work without checking in, a cover could have been placed temporarily, and management did not undertake technical diagnosis or disposal. Those facts support referral rather than technical handling. I did not independently perform or verify forensic image analysis and do not offer a forensic imaging opinion, including any independent conclusion about identity, continuity, or movement. Reed's analysis provides important additional support for the repeated-opportunity portion of this opinion. The core opinion remains independently supported by the corporate testimony about handling conditions involving objects of uncertain ownership, the PMA's described functions as factual context, and the other records I reviewed.

OPINION 4 DOCUMENTATION, ASSIGNMENT, FOLLOW-UP, AND RESOLUTION

OPINION 4 | DOCUMENTATION, ASSIGNMENT, AND CLOSURE My Opinion For this type of condition, the materials reviewed do not identify a consistent open-item record showing the observable condition, any nontechnical interim decision, the internal assignment, the outside referral, the follow-up date, the escalation step if responsibility remained uncertain or no response was received, and the event or observation supporting closure. I am not opining that an open-item record should exist for this specific condition. Rather, I evaluate whether the described management system identified how this type of condition would be documented, assigned, followed, escalated if necessary, and carried to documented disposition if encountered. Why I Reached This Opinion A management team can assign one person to track an outside referral until the record shows how the issue was resolved. That does not require the team to decide ownership or technical responsibility. Without a record, supervisors cannot review the issue. Without an assignment, no one owns the follow-up. Without a next step, an unanswered referral may be forgotten. Without reinspection or another final record, the team cannot confirm resolution. An open-item record should answer a few practical questions: What was observed? Where and when? What was done immediately? Who was contacted? Who inside management owns the next step? When is the next review? What happened if the contact did not respond? What fact or observation supported closure? Those fields create a usable handoff and give a supervisor something concrete to review. The closure entry deserves particular attention. Closing an item should not mean only that an email was sent or that the first employee completed a task. It should identify the event that resolved the management concern,

such as a provider response, completed vendor work, a reinspection showing the condition corrected, or documented direction from ownership. That distinction allows the team to separate activity from resolution and prevents an outside referral from being treated as complete before anyone confirms the result. Accountability continues after referral. The internal task owner should know when the first response is due, how the response will be recorded, and when to escalate. If a provider does not respond, the next step may be another contact, notice to ownership, a qualified vendor, a supervisor's direction, or a property-specific interim measure that does not involve technical work. I do not select among those choices for this incident. I explain why the system should identify who makes the choice and when. Closeout should rest on a stated event or observation, not simply the passage of time. A provider's

56 Reed Report pp. 7, 12–14, 19–26, 34, 50.

completed work, a documented reinspection, a final photograph, or another reliable response can show why the team considered the common-area issue addressed. The same record can preserve uncertainty rather than overstate it. If staff do not know the provider or origin, the entry can say so. If the team believes utility work may be in progress, the entry can identify that as a working explanation and record the inquiry made to check it. Accurate limits make the record more useful. They also avoid turning a practical site observation into a technical conclusion the management team is not qualified to make. I am not saying that every exterior observation requires a formal work order. The existing work-order system was one available tool, but a condition log, incident note, email task, vendor ticket, or another reliable system could serve the same function. My concern is the absence in the reviewed materials of an identified method for carrying this class of issue from observation through resolution. Information I Relied On Cole generated work orders for maintenance needs but described no separate record for a condition involving an object of uncertain ownership. Whitaker's testimony identifies no pre-incident procedure for the known-loose-cover hypothetical. The reviewed materials do not identify a pre-incident issue entry, photograph, provider referral, named internal owner, due date, unanswered-contact follow-up, or final record for this class. 57 The PMA describes personnel, records, vendor, safety-response, and notice functions. I use those provisions as factual context only; my opinion about tracking an open issue comes from experience. I carefully reviewed and relied upon Reed's historical- image analysis for the repeated-opportunity portion of this opinion and accepted his identification, dating, and location conclusions for purposes of my property-management analysis. Reed's strongest 4820 examples, the 2021 –2022 extra-cover condition at the building-side utility cluster and his 2025 wall-side object, illustrate the value of a dated, location-specific open-item record.⁵⁸ If encountered, each setting could generate a neutral condition record, referral, assignee, follow-up date, escalation step, and documented disposition. Limitations The materials do not establish that a particular employee saw the object or that any particular temporary action was authorized and appropriate. When I say a record was "not identified," I mean only that I did not find it in the materials I reviewed. I do not infer that no process existed, and I do not select a physical control for this incident. I did not independently perform or verify forensic image analysis, and Reed's findings do not establish actual notice or a missed inspection. His analysis provides important additional support for the repeated-opportunity portion of this opinion. The core opinion remains independently supported by the corporate testimony, the PMA's described functions as factual context, and the other records I reviewed.

OPINION 5 WHITAKER'S SUPERVISORY ROLE AND CREDENTIALS

OPINION 5 | DIRECTOR-LEVEL ORGANIZATIONAL OVERSIGHT My Opinion The director role described in the testimony included organizational oversight of property managers and maintenance personnel, including how recurring work and open items were assigned, reviewed, and carried to closure. Whitaker's credentials provide professional context only. I do not assign her an incident-specific inspection task or offer a personal-fault opinion. Why I Reached This Opinion A director who supervises property managers and maintenance staff is in a position to define assignments, review open items, make sure follow-up occurs, and correct recurring gaps. Credentials provide context for familiarity with those functions. They do not assign an incident-specific task.

57 Cole Dep. 12:1-3; 45:14-17; Whitaker Dep. 84:2-10; 98:11-99:1. 58 Reed Report pp. 7, 12-14, 19-26, 34, 50.

At the director level, the relevant function is system oversight. That includes deciding how recurring work is assigned, what information site teams record, how open items are reviewed, and what happens when a process gap appears across properties. A director may perform those functions through managers, engineers, dashboards, meetings, or periodic audits. The role does not require personal performance of every site walk. Ms. Whitaker testified that she held the CPM designation. I also completed the CPM educational pathway and am therefore familiar with the nature of the curriculum, examination process, applied assessment, and management concepts addressed within that designation. Course requirements, titles, sequencing, and assessment formats may change over time. This report does not establish Ms. Whitaker's exact 2006 CPM course sequence or that she completed MNT402, HRS402, ETH800, or any other specifically named course. Information I Relied On Whitaker personally managed seven properties, including Harbor Ridge, supervised property managers and maintenance engineers, and described the RPA and CPM designations and a broker license. 59 The PMA describes supervision, personnel direction, operations, and records as factual context; I do not derive Whitaker-specific tasks from it. The shared CPM credentialing foundation provides context that inspection systems, maintenance administration, risk management, documentation, supervision, assignment, follow-up, escalation, accountability, and closure verification are mainstream property-management concepts rather than litigation inventions. It is not proof of duty, a standard of care, negligence, actual notice, ownership, fault, or liability. It does not require inspection of utility covers or any specific response to irrigation equipment. My opinion is not based on Whitaker's credential itself. It rests on my own education and experience, the testimony, and the system functions described. I do not rely on Reed's work for this opinion. Limitations I do not contend that the CPM designation itself required Ms. Whitaker to take any specific action regarding the condition at issue. Nor do I contend that the designation independently establishes negligence, liability, actual notice, ownership responsibility, or a legal standard of care. I reference the credential only because it provides professional context for management subjects relevant to the systems, supervision, documentation, inspection, and risk-management issues analyzed in this report. Whitaker did not need to perform every inspection, did not admit seeing the object, and relied on a team. My opinion is limited to the organizational oversight function described in the testimony and is entirely independent of Reed's work.

OPINION 6 POST-INCIDENT REPORTING AND ORDINARY INCIDENT-RECORD RETENTION

OPINION 6 | POST-INCIDENT DOCUMENTATION My Opinion The prompt post-incident response included several appropriate property-management steps. The materials reviewed, however, do not identify a reconstructable management record of the report's attribution basis, the image creator

and date, any provider inquiry, the details of the property walk, or the basis on which the matter was considered resolved. Why I Reached This Opinion In the incident-management systems I use, the record identifies who responded, when and where the response occurred, what the team did, what remained unknown, whom the team contacted, and why the matter was considered resolved. A reconstructable incident record separates observation from conclusion. It identifies who supplied each fact, what the responder personally observed, what the responder did not know, what inquiry was made, and what supported the final attribution. That makes the record useful to ownership, insurers, supervisors, later responders, and counsel without requiring the site team to resolve technical questions outside its expertise.

59 Whitaker Dep. 68:3-16; 69:8-22; 71:19-72:20; 73:17-23.

A useful incident record also preserves sequence. It identifies the initial report, the time the site team learned of the event, who responded, who was present, what each responder personally observed, what information came from police or another witness, and what actions followed. It identifies the exact areas walked, the approximate time of the walk, the people who participated, photographs created or received in the ordinary course, outside contacts, unresolved questions, and the basis for management's final status. This does not require the property manager to conduct a forensic investigation or reach a technical conclusion. It creates an operations record that another manager can read and understand. I credit that Cole responded, communicated with the officer, prepared a report, and joined a property walk, and that Whitaker communicated with ownership and delegated the requested walk. My opinion concerns the additional detail not identified in the reviewed management records. Here, the prompt response is meaningful favorable evidence. Cole went to the scene, spoke with the officer, prepared a report, and participated in a property walk. Whitaker communicated with ownership and delegated the requested walk. My concern is narrower. The reviewed materials do not show the provider inquiry or other documented basis behind the word 'confirmed,' the creator and date of the Exhibit 11 photographs, the details of the walk, or the basis for closure. (Ex. 11 pp. 1-4.) The supporting transcript citations appear in the immediately following "Information I Relied On" paragraph. Information I Relied On Cole promptly responded and authored the report. It stated that the cover was confirmed not to belong to the site, based on installed covers appearing covered and secured. She described a tap and wiggle, did not know the provider or equipment type, made no carrier inquiry, did not witness the event, and did not interview the reported eyewitnesses.⁶⁰ Whitaker did not attend or independently investigate and delegated the owner-requested walk. ⁶¹ Exhibit 11 does not identify its photographer or date on its face. ⁶² The PMA describes reporting, insurer coordination, and investigation functions as factual context; I do not interpret those provisions. The prompt response was appropriate. From an incident-documentation perspective, the word "confirmed" is not accompanied in the reviewed materials by a documented provider inquiry or other stated basis resolving origin. A more reconstructable operations record would identify the observation, method, participants, contacts, files retained in the ordinary course, and resolution basis. I do not rely on Reed's work for this opinion. Limitations The police report describes a walk, the team acted promptly, and "confirmed" may have meant only that no installed site equipment was found open. My opinion addresses ordinary incident documentation and record retention. It is limited to the detail shown in the reviewed materials. Reed's later analysis does not add contemporaneous detail to management's 2025 records, and this opinion is entirely independent of his work.

OPINION 7 OVERALL PROPERTY-MANAGEMENT OPINION

OPINION 7 | THE CONNECTED MANAGEMENT PROCESS My Opinion Taken together, the testimony describes operational capacity to observe common areas, create work orders, direct personnel, contact ownership, and engage vendors, but it does not identify a connected ownership-neutral process for an unusual or potentially dangerous utility-related condition. The process described did not consistently connect identification, documentation, assessment, assignment, referral, follow-up, escalation when necessary, and confirmation of resolution. I offer no opinion on the legal significance of that systems analysis. Why I Reached This Opinion Ownership and management of an unusual or potentially dangerous condition are separate questions.

60 Cole Dep. 20:1-18; 22:9-17; 23:19-24:4; 26:12-27:19; 28:16-29:10; 50:3-7. 61 Whitaker Dep. 75:3-76:14; 77:1-8; 78:21-79:10. 62 Cole Dep. 32:12-20; 34:6-16; Ex. 11 pp. 1-4.

The first question is whether the observable condition requires attention. Ownership may determine the ultimate responder, but it should not determine whether the condition enters the management process. I therefore examine whether the described system connected identification, documentation, assessment, assignment, referral, follow-up, escalation when necessary, and confirmation of resolution. The eight opinions fit together, but they address different parts of the same operating system. Opinion 1 explains why an unusual object enters a management process. Opinion 2 addresses how routine exterior observations can be made verifiable. Opinion 3 addresses the point at which uncertain ownership should lead to referral rather than inaction. Opinion 4 addresses the record and assignment needed to carry the item to closure. Opinion 5 addresses organizational oversight. Opinion 6 addresses the separate quality of the post-incident record. Opinion 7 addresses whether the steps operated as a connected process. Opinion 8 addresses the distinct property-management significance of Reed's reported repeated relocation and the resulting multiple observation opportunities. The testimony shows several functioning components: Cole was generally in the Harbor Ridge Annex office five days per week; periodic exterior observations covered buildings, grass, parking, and common areas; rotating maintenance engineers worked or participated in inspections; Whitaker observed the property when she arrived or drove by and sometimes joined inspections; work orders were used for maintenance; ownership could be contacted; vendors could be engaged; and the post-incident response was prompt.⁶³ The concern is the connection between those components when an unusual item was treated as someone else's property. The described process did not identify a dependable bridge from observation to documentation, referral, assigned follow-up, escalation, and confirmed resolution. Accepting Reed's findings solely for purposes of this property-management analysis, the apparent cover repeatedly appeared in locations where a detached irrigation-valve enclosure lid would not ordinarily be expected as part of a functioning installation. The utility-adjacent, landscaping, sidewalk-adjacent, and building- perimeter settings presented different ordinary observation opportunities for the same management process to operate. The apparent condition repeatedly appeared outside its apparent intended-use environment. This does not establish actual notice or that any person observed the object. It explains why repeated relocation is relevant to a connected documentation, assessment, assignment, referral, follow-up, escalation, accountability, and closure- verification system.⁶⁴ My central conclusion is practical and limited to property-management systems. West Coast Management did not need to own the enclosure lid, identify its provider, or perform irrigation-system work. If personnel encountered an unusual or potentially dangerous condition in the managed common area, the system should have had an ownership-neutral way to document and

assess it, determine who should handle it, assign the next step, follow up, escalate if necessary, and record resolution. The testimony does not identify a consistent connected process for an item treated as utility property. I have not concluded that management had actual notice, that any individual missed the object, or that a different management process would have prevented the incident. I credit the prompt post-incident response and the fact that exterior observations and work-order practices existed. My opinions identify the operational controls that were not described for this class of unresolved common-area issue, while remaining within the property-management boundaries stated throughout this report.

63 Cole Dep. 10:19–24; 11:1–13; 12:4–19; 12:24–13:4; 52:15–54:23; 60:12–20; Whitaker Dep. 97:11–25; 98:1–6; 101:1–13. 64 Reed Report pp. 7, 12–14, 19–34, 50–52.

Information I Relied On The organization had routine observation, personnel, work orders, ownership communication, vendor capability, and post-incident response. The same witnesses described no identified inquiry or report step for utility-related conditions, an undefined inspection practice, and no follow-up process for a known detached enclosure-lid hypothetical. The post-incident record reproduced the same attribution and documentation weaknesses. 65 The PMA provisions describe personnel direction, records, provider coordination, reporting, and investigation functions. I use them as factual context only and do not treat the agreement as the source of my opinion. I carefully reviewed and relied upon Reed’s historical-image analysis for the repeated-opportunity portion of this opinion and accepted his identification, dating, and location conclusions for purposes of my property-management analysis. Reed’s analysis identifies repeated appearances in varied exterior settings, with the strongest on-property sequence at the 4820 utility area and building perimeter. 66 Paired with the verified onsite office, rotating-engineer, inspection, and arrival-observation testimony, that sequence provides important repeated-opportunity context for testing whether the system could convert a condition, if encountered, into documented action. 67 Limitations Actual notice has not been established. The PMA does not identify a carrier-cover inspection function. Utility workers may have placed a cover temporarily. Ownership, identity, continuous presence, image timing, and the physical mechanics of the incident remain unresolved. Management also took reasonable steps after the incident. I offer no opinion connecting the management process to the incident. I did not independently perform or verify forensic image analysis and do not offer a forensic imaging opinion, including any independent conclusion about image authentication, object identity, continuity, movement, wind, or causation. Reed’s analysis provides important additional support for the repeated-opportunity portion of this opinion. The core opinion remains independently supported by the corporate testimony, the PMA’s described functions as factual context, and the other records I reviewed.

OPINION 8 PROPERTY-MANAGEMENT SIGNIFICANCE OF REPEATED RELOCATION

OPINION 8 | PROPERTY-MANAGEMENT SIGNIFICANCE OF REPEATED RELOCATION My Opinion Accepting Reed’s historical-image findings for purposes of my analysis, the apparent cover repeatedly appeared in locations inconsistent with its intended use and repeatedly entered ordinary property-management observation corridors over an extended period of time. The property-management significance is not ownership, causation, or actual notice. The significance is that repeated relocation created multiple independent opportunities for observation, documentation, assessment, referral, follow-up, escalation, and resolution through the management process. Why I Reached This Opinion Accepting Reed’s findings solely for purposes of this property-management analysis, the apparent cover repeatedly appeared in locations where a detached irrigation-valve

enclosure lid would not ordinarily be expected as part of a functioning installation. The reported settings include utility- adjacent, landscaping, sidewalk-adjacent, and building-perimeter locations. Each reported location presented a new ordinary observation setting and therefore a separate opportunity for the management process to identify, document, assess, refer, follow up on, escalate, and resolve the matter. The apparent condition repeatedly appeared outside its apparent intended-use environment. The point is operational. It does not depend on proof that any person actually saw the object. An apparently abandoned vehicle provides a useful operational comparison. A property manager may document a vehicle that appears out of place, identify the appropriate referral or authorized process, assign follow-up, and confirm disposition even though management does not own the vehicle and may lack authority to move or tow it. If the vehicle later appears elsewhere on the property, the new location creates another observation and management opportunity. The same systems principle applies here with 65 Cole Dep. 11:14-15:9; Whitaker Dep. 83:5-86:17; 97:11-99:1. 66 Reed Report pp. 7, 12-14, 19-26, 34, 50. 67 Cole Dep. 10:19-24; 11:1-13; 12:4-19; 12:24-13:4; 52:15-54:23; 60:12-20; Whitaker Dep. 97:11-25; 98:1-6; 101:1-13.

greater caution. Accepting Reed's reported findings, each new location of the apparent cover presented a new opportunity to document what was observable, refer the matter to an appropriate party, assign follow-up, escalate if unresolved, and confirm disposition. This is an operational analogy, not a legal analogy. It does not establish identity, continuity, movement, ownership, actual or constructive notice, employee sighting, causation, liability, or a duty to inspect irrigation equipment. Information I Relied On Reed states that he tracked an unsecured cover through four locations between 2021 and 2025. His report identifies appearances near roadway and pedestrian settings, beside installed utility equipment at 4820 in 2021 and 2022, and against or adjacent to the 4820 building wall in the January 10-January 22, 2025 GEOTIFF capture window. 68 Cole testified that she generally worked from the Harbor Ridge Annex office five days per week and described exterior observations of buildings, grass, parking, and common areas. West Coast Management maintenance engineers rotated among five buildings and participated in Harbor Ridge work or inspections. Whitaker testified that she looked at the property when she arrived or drove by and sometimes participated in inspections; the record does not quantify her onsite frequency.⁶⁹ I accept Reed's reported findings only for purposes of this property-management analysis. Limitations This opinion does not establish actual notice, constructive notice, ownership, control, identity, continuity, movement, dating beyond Reed's stated image dates or windows, causation, or a missed inspection. I do not state or imply that any West Coast Management employee saw the object or that a irrigation-equipment inspection requirement applied to West Coast Management. I did not independently verify Reed's image analysis and offer no opinion on authentication, technical imaging, or the physical mechanism of movement. The January 10-January 22, 2025 GEOTIFF window straddles January 18 and is not treated as necessarily pre-incident. Opinion 8 addresses only the property-management significance of the locations and opportunities reported by Reed.

68 Reed Report pp. 4, 7, 12-14, 19-34, 50-52. 69 Cole Dep. 10:19-24; 11:1-13; 12:4-19; 12:24-13:4; 52:15-54:23; 60:12-20; Whitaker Dep. 83:5-84:10; 97:11-25; 98:1-6; 101:1-13.

10. FACTS, ALTERNATIVES, AND CONTRARY INFORMATION CONSIDERED I considered the evidence that supports a narrower view of the management issue. No management witness admitted seeing the object before the incident. Written discovery denied awareness. Utility personnel could have left a cover temporarily and planned to return. Informal exterior walks occurred, and a checklist is not the only way attentive staff can notice a problem. The PMA does not identify carrier-cover inspections

and permits off-site staffing. Management responded promptly after the incident. I credit each of those points. Those facts limit my opinions to process. They prevent me from saying that a particular employee saw the object, that an inspection was missed, or that a specific interim action was required. They do not eliminate the practical value of documenting an unusual condition, referring it to an appropriate party, assigning follow-up, and confirming resolution if staff encounter it. I also considered the disputed ownership, origin, identity, continuity, and timing questions. I do not resolve them. The exact 2025 GEOTIFF capture date remains unresolved within Reed's stated March 30 through April 22, 2025 acquisition window, so I do not use that image as a pre-incident opportunity unless its timing is established separately. The alternative explanations therefore shape the limits of the analysis without changing the eight core property-management opinions. The existence of multiple possible utility providers reinforces rather than diminishes the importance of a management response. Where ownership cannot be determined by simple visual observation, an ordinary property-management process records the condition, identifies the uncertainty, refers the matter to potentially appropriate outside parties, assigns internal responsibility for follow-up, and tracks the issue until resolution or verified transfer. Uncertainty regarding ownership is therefore a reason for documentation and referral rather than a reason to terminate the management process. This describes management-system practice and does not assign responsibility to any provider.

Alternative or favorable evidence Effect on analysis

I treat that as a limitation. My opinions concern the No management witness admitted pre-incident management process and potential opportunities to actual notice; written discovery denied awareness. observe a condition, not actual notice.

That is plausible. It explains why staff would not attempt a Utility workers may have temporarily placed a cover repair, but a recorded referral and follow-up would show and intended to return. whether the assumption was checked.

I account for that point. My opinion concerns the general The PMA's described functions do not include handling of unusual common-area conditions, not a carrier- carrier-cover inspection and permits off-site staffing. specific technical inspection.

I credit that response. It does not show how the pre- The response after the incident was prompt and incident process worked, so I consider the response included a perimeter walk and report. records separately.

I accept Reed's acquisition-window conclusion while Reed's stated 2025 GEOTIFF acquisition window recognizing that the exact date remains unresolved. I do leaves the exact date unresolved and includes post- not use the 2025 GEOTIFF as a pre-incident observation incident dates. opportunity unless its timing is established separately.

Ownership, origin, identity, and continuity are I account for those disputes and offer no independent disputed. opinion on them.

I agree that a checklist is not the only method. My concern is that the record, taken as a whole, does not show a A checklist is not the only valid inspection method. consistent inspection schedule, assignment, handling process, or confirmation that issues were resolved.

Alternative or favorable evidence Effect on analysis

I do not use those work orders to assess pre-incident Counsel and the court will determine whether and operations. I consider them only as later examples of how a how the later recurring work orders may be used. recurring task was formatted.

11. LIMITS OF MY OPINIONS

My opinions do not depend on the incident outcome. They concern the design and documentation of the management process described in the reviewed materials. They do not depend on whether an injury occurred or how serious it was. I do not offer an opinion that any feature of the process, or any omission, caused the incident.

I do not state or imply actual notice. I offer no opinion on legal standards, fault, causation, liability, or evidentiary matters. I do not independently determine ownership, origin, identity, continuity, movement, wind mechanics, physical cause, technical equipment adequacy, or image authenticity. My opinions do not depend upon proof that any West Coast Management employee actually observed the condition, proof of actual notice, proof of ownership, proof of the exact duration of the condition, proof that the object originated from any particular utility installation, proof that all historical images depict the same object, or proof that utility personnel did not temporarily place the object. I do not independently verify Reed's identity, continuity, dating, or location conclusions. Accepting Reed's reported findings solely for their property-management significance, my opinions instead address whether the management system described in the testimony was capable of converting abnormal conditions, if visibly encountered or reported, into documented management action, referral, assigned follow-up, escalation, and closure verification. I do not claim that Whitaker personally had to inspect, that she saw the object, or that her credentials establish personal fault. I do not claim she personally completed IREM MNT402. The requirements for her reported 2006 RPA are not established; the 2012 catalogue is later corroboration only. Her broker credential status remains unverified under Whitaker and Pollack spelling searches. I offer no opinions interpreting statutes or determining their applicability. Counsel will address legal authorities. I use the PMA only as factual context for functions described in its text, subject to unresolved entity, date, staffing, approval, budget, reporting-charge, and specialized-service questions. I do not use later work orders to assess pre- incident operations. A record "not identified" means only that it was not identified in the reviewed materials.

12. SUMMARY OF CONCLUSIONS In my experience, the initial property-management response should be ownership-neutral. The first question is whether an observable condition in a managed common area appears unusual, abnormal, unsecured, out of place, potentially dangerous, or otherwise requires attention. Ownership may determine the ultimate responder, but ownership does not determine whether the condition should enter a process of identification, documentation, assessment, assignment, referral, follow-up, escalation when necessary, and confirmation of resolution. 1. A professional property-management system should use an ownership-neutral initial response to an unusual, abnormal, unsecured, out-of-place, or potentially dangerous condition in a managed common area. The condition should enter a process of observation, documentation, assessment, assignment, referral, follow-up, escalation when necessary, and confirmation of resolution. Ownership may determine the ultimate responder, but it should not determine whether the condition enters the management process. 2. The exterior inspection practice described by the corporate witnesses was informal and was not reliably reconstructable from the materials reviewed. The materials do not identify a defined route, assigned inspector record, checklist or equivalent

scope record, inspection or negative- findings record, completion record, or supervisory verification. This is an auditability opinion, not a conclusion that no inspection occurred. 3. The testimony suggests that ownership uncertainty could prevent a utility-related condition from entering the normal management workflow. The process described did not identify an ownership-neutral method to document the condition, assess what was observable, determine who should handle it, assign responsibility, follow up, escalate when necessary, and confirm resolution while ownership or technical responsibility was being determined. 4. For this type of condition, the materials reviewed do not identify a consistent open-item record showing the observable condition, any nontechnical interim decision, the internal assignment, the outside referral, the follow-up date, the escalation step if responsibility remained uncertain or no response was received, and the event or observation supporting closure. 5. The director role described in the testimony included organizational oversight of property managers and maintenance personnel, including how recurring work and open items were assigned, reviewed, and carried to closure. Whitaker's credentials provide professional context only. I do not assign her an incident-specific inspection task or offer a personal-fault opinion. 6. The prompt post-incident response included several appropriate property-management steps. The materials reviewed, however, do not identify a reconstructable management record of the report's attribution basis, the image creator and date, any provider inquiry, the details of the property walk, or the basis on which the matter was considered resolved. 7. Taken together, the testimony describes operational capacity to observe common areas, create work orders, direct personnel, contact ownership, and engage vendors, but it does not identify a connected ownership-neutral process for an unusual or potentially dangerous utility-related condition. The process described did not consistently connect identification, documentation, assessment, assignment, referral, follow-up, escalation when necessary, and confirmation of resolution. I offer no opinion on the legal significance of that systems analysis. 8. Accepting Reed's findings solely for purposes of this property-management analysis, the apparent cover repeatedly appeared in locations where a detached irrigation-system valve enclosure enclosure cover would not ordinarily be expected as part of a functioning installation. The reported settings include utility-adjacent, landscaping, sidewalk-adjacent, and building-perimeter locations. The property-management significance is not ownership, causation, or actual notice. It is that appearances outside the apparent intended-use environment created multiple independent

ordinary observation opportunities for documentation, assessment, referral, follow-up, escalation, and resolution through the management process. Accepting Reed's findings solely for purposes of this property-management analysis, the apparent cover repeatedly appeared in locations where a detached irrigation-system valve enclosure enclosure cover would not ordinarily be expected as part of a functioning installation. Those reported locations included utility-adjacent, landscaping, sidewalk-adjacent, and building- perimeter settings. The apparent condition repeatedly appeared outside its apparent intended-use environment. The significance is not proof of ownership, actual notice, origin, identity, continuity, duration, or causation. It is that the reported condition created repeated opportunities for ordinary property-management functions, including documentation, visible-risk assessment limited to what is visibly observable, referral, assignment, follow-up, escalation, and closure verification. 70

70 Reed Report pp. 7, 12–14, 19–34, 50–52.

13. EXPERT DECLARATION AND SIGNATURE I have reviewed this report for accuracy within my expertise. These are my own professional opinions. They would not change based on which party

retained me, and they remain subject to the assumptions and limits stated in this report. Before signing, I will verify the materials index, citations, required administrative disclosures, and declaration language. I will disclose material new information if supplementation is appropriate. I have separated record-supported facts from disputed points and assumptions. I have also considered facts that favor the opposing position and identified technical work performed by others. Accepting Reed's reported findings for purposes of this property-management analysis, I use his identification, dating, and location conclusions as repeated-opportunity context for Opinions 1, 2, 3, 4, 7, and 8. I do not independently verify his image analysis. Opinions 5 and 6 remain independent of Reed. My opinions concern the commercial property-management practices described in this report. Counsel and the court will address legal and evidentiary matters. If new information changes an important factual premise, I will reassess the affected opinion and communicate any necessary supplementation through counsel.

Respectfully submitted after final expert and counsel review,
 _____ Emily Goodman Shortall, CPM, ARM Founder and
 President, Harvey Goodman Property Management Date: _____ Signature
 intentionally withheld. This is an unsigned final-scope report.

APPENDIX A. MATERIALS CONSIDERED INDEX

Category Materials considered

Certified October 14, 2025 Rule 30(B)(6) deposition of West Coast Commercial Management of Corporate management California, Inc., Marissa Cole, transcript pp. 5-65, and Dana Whitaker, transcript pp. 66- testimony 124, with referenced exhibits.

May 13, 2026 deposition of Robert Hale, Evergreen Utility Contractors / Evergreen Utility Carrier testimony corporate designee, with Exhibits 3, 4, 5, 8, 11, and 18-25.

Police testimony and June 16, 2026 deposition of Officer Daniel Mercer; certified Irvine Police report, records Exhibit 26; body-camera stills and imagery Exhibits 32-34 and 36-38.

Corporate testimony concerning incident-report preparation; Exhibit 9 corporate Management documents deposition notice; Exhibit 15 interrogatory answers; Exhibit 16 PMA; Exhibits 13-14 Building Engines configuration and work-order materials.

Exhibits 5, 8, 11, 18, 20, 21, 23, 24, 25, 32-34, and 36-38, including stated Google Images and site records Street View, Orange County GIS, site, and evidence images, considered without independent image analysis.

Work-order and system Native Evergreen Utility node C081A history, Exhibit 19; PDF counterpart, Exhibit 22; data Coastal Mapping Services map, Exhibit 21; later Building Engines records, Exhibits 13-14.

Nathan Reed, Pixel Analysis, LLC, Forensic Video Analysis Case Report, August 10, Imaging expert material 2026, 52 report pages within a 62-page PDF, carefully reviewed and relied upon as described in Section 7.

Professional sources identified in the footnotes, used only for the property- Professional context management context stated in the report.

This index identifies the materials actually considered for the opinions stated here. It should be updated only if additional material is actually reviewed before signature.

APPENDIX B. ASSUMPTIONS AND RELIANCE REGISTER

Item Status Use and consequence

Actual pre-incident notice Not established; not assumed. No opinion depends on actual notice.

I carefully reviewed and relied upon Reed's historical-image analysis and accepted his identification, dating, and location conclusions for purposes of my property-management analysis. His findings document recurring appearances of the Accepted technical conclusions apparent condition over time and provide important Reed identification, dating, and used for repeated-opportunity additional support for the repeated-opportunity location conclusions context in Opinions 1, 2, 3, 4, portions of Opinions 1, 2, 3, 4, 7, and 8. Opinions 5, 7, and 8. and 6 are independent. All eight core property-management opinions remain independently supported by the corporate testimony, the PMA's described functions as factual context, and the other records reviewed.

No independent opinion; uncertainty is the reason
Ownership and origin Unresolved.
for referral.

No independent opinion; no continuous-duration
Identity and continuity Unresolved.
claim.

Does not eliminate documentation and follow-up
Temporary utility work Plausible alternative.
need.

PMA entity and dates Incomplete record. PMA used functionally only.

The opinion concerns the process described in the
Documented pre-incident Not identified in reviewed
reviewed materials; no assertion that a record never
control evidence materials.
existed or was destroyed.

Later task-format example only; not used to assess
Later cover checks Post-incident evidence.
pre-incident operations.

How to use this register. An item marked "unresolved" is not resolved simply because an allegation or image interpretation appears elsewhere in the report. Reed's identification, dating, and location conclusions are accepted for purposes of the property-management analysis and provide important additional support for the repeated-opportunity portions of Opinions 1, 2, 3, 4, 7, and 8. This reliance does not establish actual notice or an independent forensic imaging conclusion. If actual notice is later established, I will reassess the opinions affected by that fact while keeping them limited to property- management practices. If I receive another pre-incident management record, I will

evaluate its content, date, scope, and implementation before deciding whether it changes an opinion. I treat temporary utility work as a real possibility, not an established fact. In my experience, that uncertainty calls for documentation, referral to the appropriate party, assigned follow-up, and confirmation of resolution. I do not interpret the PMA or decide disputed questions about its parties, dates, scope, or legal effect.

APPENDIX C. OPINION SUPPORT MATRIX

Op. Aligned opinion theme and core evidence PMA Key limitation

No actual notice; Reed Ownership-neutral entry into the management process. 2.2, 2.3, 2.4, 2.7, provides important additional 1 Cole 11:14-20; 12:24-13:13; 54:2-23. Whitaker 83:5-25; 2.8(a), 2.14, 2.18 support for repeated- 85:16-20; 112:11-113:21. opportunity context.	
No universal interval; walks Assigned, documented, accountable, and reconstructable 2 exterior inspection process. Cole 11:21-12:3; 45:9-17; 53:1-17. Whitaker 84:2-10; 97:11-25; 101:1-13. context.	did occur; Reed provides 2.2, 2.3, 2.4, 5.2 important additional support for repeated-opportunity
No repair or disposal Ownership uncertainty should not stop documentation, 2.7, 2.8(a), 2.14, 3 referral, follow-up, escalation, and resolution. Cole 13:14- 2.18 15:9. Whitaker 85:21-87:24; 98:11-99:1. context.	opinion; Reed provides important additional support for repeated-opportunity
Records limitation; interim measure fact-specific; Reed Open-item record from observation through closure. Cole 4 provides important additional 12:1-3; 45:14-17. Whitaker 84:2-10; 98:11-99:1. support for repeated- opportunity context.	2.2, 2.4, 2.7, 2.8(a), 2.14
Director-level systems oversight without a personal No incident-specific task or 5 inspection or fault opinion. Whitaker 68:3-16; 69:8-22; 71:19- personal-fault opinion. 72:20; 73:17-23.	2.2, 2.3, 2.4
Prompt response included; Separate post-incident record quality and reconstructability. ordinary property- 6 Cole 20:1-18; 22:9-17; 26:12-29:10; 32:12-20; 34:6-16; management documentation 50:3-7. Whitaker 75:3-79:10. only.	2.15, 7.5, 7.6

Property-management review only; no incident		
Connected ownership-neutral management process.		connection; Reed provides
7	All cited provisions	
Combined corporate testimony and evidence above.		important additional support
for repeated-opportunity context.		
No actual notice, sighting,		
Property-management significance of repeated relocation.		irrigation-system-
Accepting Reed's reported findings, appearances in	None relied upon for	equipment inspection
different locations created multiple independent	the Reed location	requirement, independent
8 opportunities for observation and response. Reed Report	history; PMA	image verification, identity,
pp. 4, 7, 12-14, 19-34, 50-52; Cole 10:19-24; 11:1-13;	functions remain	continuity, movement, exact
12:4-19; 12:24-13:4; 52:15-54:23; 60:12-20; Whitaker 83:5	factual context only.	dating, ownership, control,
-84:10; 97:11-25; 98:1-6; 101:1-13.	causation, or technical	
imaging opinion.		

How to use this matrix. The matrix is a preparation aid, not a substitute for the full explanation in Section 9. It lists the principal evidence, not every supporting citation. The PMA column identifies functions described in the document as factual context only. The eight opinion formulations should be read with their corresponding limitations. Before service, counsel and the expert should compare each citation to the certified service copy, confirm exhibit pagination, and ensure that executive, developed, final, and matrix formulations remain consistent. Any demonstrative should preserve the same opinion number and the same Reed reliance framework.

EXHIBIT D

enclosure-lid EVIDENCE: FACTS, LIMITATIONS, AND PROPERTY-MANAGEMENT SIGNIFICANCE This exhibit separates record-supported facts, accepted assumptions used solely for analysis, unresolved issues, and the property-management significance assigned to the evidence. It is intended to clarify the distinction between established facts, accepted analytical assumptions, and property-management opinions. This exhibit is not intended to establish ownership, actual notice, causation, fault, negligence, liability, or the correctness of any technical conclusion.

A. FACTS, LIMITATIONS, AND MANAGEMENT SIGNIFICANCE			
Evidence			Property-Management
Record Support	Not Established		
Category			Significance
Police recovered a detached green	Ownership, origin, last	Demonstrates the presence of	
Recovered irrigation-system valve enclosure	handler, duration at the	an unusual detached object	
Object enclosure cover following the January 18,	recovery location, and who	within the managed-property	
2023 incident. ⁷¹	placed it there.	environment.	
Accepting Reed's identification for			
If encountered, the condition			
purposes of this analysis, he	Actual observation by		
2021 Utility-	appears separate from the		
identifies an apparent extra cover	management, duration,		
Area Condition	ordinary configuration of		
adjacent to installed utility equipment	ownership, and continuity.		
installed equipment.			

near the 4820 utility cluster. ⁷²		
Reed identifies an installed cover and Management observation, 2022 Utility- an apparent detached second cover reason for placement, and Area Condition beside the building and sidewalk in duration. 2022 imagery. ⁷³	If encountered, the apparent detached cover appears outside the ordinary configuration of a functioning installation.	
Places the apparent condition Reed identifies an apparent cover 2025 Building- against or adjacent to the building Perimeter wall within the January 10–January 22, Condition 2025 image window. ⁷⁴ environment.	Exact image date, visibility within the building-perimeter from any inspection route, environment rather than solely and observation by an within a utility-equipment employee.	
Reed reports appearances in multiple Continuous presence, Multiple locations over time, including utility-exact movement history, Reported adjacent, roadway-adjacent, mechanism, and duration process if the condition was Locations pedestrian-area, and building-in any location. encountered or reported. perimeter settings. ⁷⁵		
Technical equipment Reed's analysis depicts an apparent Detached detached cover separate from Condition installed utility infrastructure. ⁷⁶ responsibility.	The apparent detached cover condition, cause of appears visually different from a separation, ownership, and properly installed enclosure.	
No witness testified to observing the No Witness object before the incident, and Observation West Coast Management denied awareness in person-specific Interrogatory 17. ⁷⁷	The management-system Actual observation by a opinions do not depend on specific employee. actual notice or awareness.	

Ownership Witness testimony does not identify The responsible utility, Ownership uncertainty presents

71 Ex. 26, certified report; Mercer Dep. 15:16–16:4; 19:1–8. 72 Reed Report pp. 13, 26, 34. 73 Reed Report pp. 7, 12–14, 26, 28, 34. 74 Reed Report pp. 19–25, 50. 75 Reed Report pp. 4, 7, 12–14, 19–34, 50–52. 76 Reed Report pp. 7, 12–14, 19–25, 26, 34, 50. 77 Ex. 15, Interrogatory 17; Cole Dep.; Whitaker Dep.

Evidence Record Support Category	Not Established	Property-Management Significance
carrier, contractor, or a routing and management-		

Unresolved ownership. ⁷⁸ owner. process question.		
Supports documentation, Possible Utility Whitaker testified that utility workers Whether that explanation referral, follow-up, and Work could have left equipment applies here. verification rather than technical Explanation temporarily and returned later. ⁷⁹ intervention.		
Cole described exterior inspections and observations covering buildings, Exterior grass, parking lots, and common Observation findings, coverage, and areas. Whitaker described routine reconstruction of every Activity and management-system observation when arriving or driving activity. evaluation. by. ⁸⁰	Exact route, frequency, findings, coverage, and reconstruction of every activity.	Relevant to inspection practices, reconstructability, accountability, and management-system evaluation.

B. CONDITION VS. CONCLUSION

Evidence Supports • A detached enclosure lid was recovered after the incident.⁸¹ • Reed identifies an apparent cover in multiple locations over time.⁸² • Reed identifies an apparent detached cover adjacent to installed equipment.⁸³ • Reed identifies an apparent detached cover adjacent to the building wall.⁸⁴ • Witnesses describe routine exterior observation activity.⁸⁵ • Ownership remains unresolved.⁸⁶ • Temporary utility-work explanations remain possible.⁸⁷

Evidence Does Not Establish • Ownership or origin of the recovered object. • Same-object identity or continuity across all reported images and locations. • Continuous presence, exact duration, or a complete movement history. • Actual notice, employee observation, or responsibility for irrigation infrastructure. • Causation, negligence, fault, liability, or the correctness of any technical conclusion.

C. PROPERTY-MANAGEMENT SIGNIFICANCE Accepting Reed's findings solely for purposes of property-management analysis, the apparent enclosure lid repeatedly appeared in locations where a detached irrigation-valve enclosure lid would not ordinarily be expected as part of a functioning installation. Those reported locations included utility-adjacent settings, landscaped areas, sidewalk-adjacent areas, and a building-perimeter setting.⁸⁸ The property-management significance is not ownership, actual notice, causation, or technical responsibility for irrigation infrastructure.

78 Cole Dep. 35:7–18; Whitaker Dep. 85:21–88:6; Robert Hale Dep. 79 Whitaker Dep. 98:11–99:1. 80 Cole Dep. 10:19–24; 11:1–13; 12:24–13:13; 54:2–23; Whitaker Dep. 83:5–25; 97:11–25; 101:1–13. 81 Ex. 26; Mercer Dep. 15:16–16:4; 19:1–8. 82 Reed Report pp. 4, 7, 12–14, 19–34, 50–52. 83 Reed Report pp. 7, 12–14, 26, 34. 84 Reed Report pp. 19–25, 50. 85 Cole Dep. 10:19–24; 11:1–13; 12:24–13:13; 54:2–23; Whitaker Dep. 83:5–25; 97:11–25. 86 Cole Dep. 35:7–18; Whitaker Dep. 85:21–88:6. 87 Whitaker Dep. 98:11–99:1. 88 Reed Report pp. 4, 7, 12–14, 19–34, 50–52.

The reported condition repeatedly appeared outside its apparent intended-use environment and, if encountered, was capable of entering a management process involving: • Documentation • Assessment • Assignment • Referral • Follow-up • Escalation when necessary • Closure verification Importantly, this exhibit does not assume that any employee actually observed the condition. It evaluates the management-system significance of the condition as reported in the record and Reed analysis.