

EXPERT WITNESS ACCEPTANCES BY COURTS

Thomas L. Liston, P.E., Mechanical Engineer, has been accepted as an expert witness by judges on the following occasions:

Judge Carol Overton

Superior Court of California for the County of Santa Clara

Case: DevCon Constructions, Inc. v. Pampas Palo Alto, LLC

March 2, 2010

Testified as Expert Mechanical Engineer specializing in Heating, Ventilating and Air Conditioning.

Clients: Tim Reynders, restaurant owner, & Allen Matkins Leck Gamble Mallory & Natsis LLP of San Francisco (Attn: Nicholas B. Waranoff, partner & Rick Grady, Esq.)

Event: General contractor sued restaurant owner for payment of extras. My role was to identify short-comings of HVAC system.

Side: Defense.

Outcome: Jury was not convinced that the system needed at least one more zone than was provided.

Judge Lloyd L. Hicks

Tulare County Superior Court

Case: Huitt & Nino vs. Southern California Gas Company

October 27, 2008

Testified as percipient witness (because I was disclaiming expertise in gas odorant).

Clients: Ken Fitzgerald & Barbrae Lundberg, Attorneys at Law, Visalia

Defense Attorney: Peel, Esq.

Event: Two plumbers vented odor-free natural gas into space; explosion followed. I had gathered gas samples and had them lab-analyzed. Two causes of no odor were found to be: 1st Odor delivered to site was weak. 2nd: Large, new in-building steel gas lines absorbed odor. Plumbers suffered severe burns.

Result: \$12,300,000 awarded by jury.

Judge Goldsmith

San Francisco Municipal Court

Case: Smith vs. Conner et al

January 31, 2008

Accepted as expert on wall heaters.

Client plaintiff attorney: Richard C. Bennett of Bennett, Johnson & Galler of Oakland, California.

Defense attorney: Michael C. Douglass, Esq. of Wilson, Elser, Moskowitz, Edelman & Dicker, LLP

Event: Non-maintained Custom Air natural gas wall heater caused brain damage to high-performance Stanford graduate woman.

Result: "Highly satisfactory" award to plaintiff after a trial spanning 50 days; ended 3/14/2008.

Judge Diane Wick
Superior Court, San Francisco
Case: Evans v. The San Francisco Housing Authority, et al
June 8, 2001
Accepted as expert on heaters
Client plaintiff attorney: Thomas J. Brandi of The Brandi Law Firm, San Francisco
Defense attorney: Andrew H. Schwartz of Sommers & Schwartz, LLP of San Francisco
Event: Failure to maintain gas-fired wall heater caused fire resulting in six deaths.
Result: Hefty award to clients.

Judge Phrasel L. Shelton
Superior Court, Redwood City
Case: Copsey versus American Air
January 27, 1998
Accepted as expert in HVAC & Plumbing.
Client defense attorney: Mark Hogopian & Issa Michael
Event: Dust released from dirty ducts impacted plaintiff's health.
Result: Client held not responsible.

Judge William M. Gallagher
901 G Street, Department "T", Sacramento
Case F#534028 Robert A. Vasquez, Jr. et al v James Kin Sing Watt, et al.
August 17, 1994
Accepted as expert in Plumbing.
Client plaintiff attorneys: Roger Dreyer & Dave Becker of Sacramento
Defense attorney: Douglas Kroesch
Event: Child burned by hot water in tub/shower.
Result: Hefty award to clients.

Judge Thomas P. Hansen
Superior Court of San Jose
February 5, 1993
Johnny's Second Floor Restaurant
Accepted as expert in H.V.A.C.
Client: Plaintiff attorney
Event: Botched air conditioning system.
Result: Plaintiff prevailed.

Judge Thomas P. Hansen
Superior Court of San Jose
February 24, 1993
Rickshaw Restaurant
Client: Plaintiff attorney
Accepted as expert in H.V.A.C. & Plumbing.
Event: Floor drain problems in a commercial kitchen.

Judge Dale A. Hahn,
San Mateo County Superior Court
June 10 thru July 2, 1992
People versus Joe Hunt
Client: Joe Hunt acting as own defense attorney.
Accepted as expert in H.V.A.C.
Event: Billionaire Boys' Club murder trial. Testified as to environmental conditions for
victim within a trunk within a truck.
Result: Hung jury; not re-tried. 11 to 1 for defense.

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