

DEPOSITIONS GIVEN

by

Thomas L. Liston, P.E., Mechanical Engineer

Date: 4/10/2013

Client: Bracamontes & Vlasak of San Francisco

Case: A young couple and their 3 children experienced carbon monoxide in their rented suburban single-family residence which was heated by a conventional up-flow gas-fired furnace. Furnace was replaced and lost prior to inspection by other than the PG&E serviceman who measured high levels of carbon monoxide. Route traveled by CO was never identified.

Side: Plaintiff.

Deposing attorney: Philip H. Kelly of Kelly Jackson, LLP of Santa Rosa

Date: 4/8/2012

Client: Bracamontes & Vlasak of San Francisco

Case: Three occupants of a rented apartment in Berkeley went to the hospital with CO poisoning. PG&E found clogged flue spilled 3,000+ ppm from wall heater. Room was measured at 240 ppm upon arrival.

Side: Plaintiff.

Deposing attorney: Philip A. Segal of Kern, Noda, Devine & Segal of San Francisco.

Outcome: Case is scheduled for court July 3, 2013.

Date: 3-20-2012

Client: Julia Swanson Law Firm of Beverly Hills, California

Case: A young woman was hit by carbon monoxide in her small apartment in Calistoga. PG&E measured 3,500 ppm in her Williams Model 256VA wall heater flue and measured 100 ppm in front of heater after five minutes of operation.

Side: Plaintiff.

Deposing attorney: James Picker of Philip M. Anderson & Associates, employees of the Corporate Law Department of State Farm Mutual Auto Insurance Company

Outcome: Unbelievably, jury did not believe the event had happened!

Date: 5-21-2010

Client: Zelner & Karpel of Beverly Hills

Deposing attorney: Mark R. Weiner & Associates

Case: Barbara Martin v. Osbjornason

Side: Plaintiff

Event: Carbon Monoxide injury in rented house

Date: 1-14-2010

Client: Allen Matkins Leck Gamble Mullory & Natsis LLP

Deposing attorney: Dan Nevis, Esq of
Miller, Morton, Caillat & Nevis, LLP of San Jose

Case: Devcon v Pampas Restaurant

Side: Plaintiff Pampas

Event: Flaws & inadequacies in HVAC design-build.

Date: July 10, 2009

Client: Doris Cheng, Esq. of Walkup, Melodia, Kelly & Schoenberger of San Francisco, California

Case: Swanson v. Jandy

Side: Plaintiff

Event: Carbon Monoxide death from Lars & Jandy Model EHE350NB pool heater. Defect was design or manufacturing error which allowed combustion air inlet filter to be sucked into burner assembly.

Date: 5-6-09, 5-7-09, 5-14-09 & 6-10-09

Client: David T. Shuey of Rankin, Sproat Mires Beaty & Reynolds of Sacramento

Deposing attorney: Sonia Shah, Esq. of Phal & McCay of San Jose

Case: Embassy Suites (of Sacramento) vs Swinerton Builders, Inc.

Side: Defense of general contractor

Event: Misc. hotel HVAC defects. Major issues: Ventilation source = atrium. Inadequate guest room toilet exhausts.

Date: September 23, 2008

Client: Jennifer Wilhelmi, Esq. of Clapp, Moroney, Bellagamba et al of San Bruno

Deposing attorney: Andrew Baugh, Esq. of Berding & Weil of Alamo

Case: 88 King St. condos, SF

Side: Defense of general contractor

Event: HVAC system did not provide ventilation which acoustics required.

Date: September 14, 2007

Client: Ronald L. Briggs, Attorney at Law

Deposing attorney: Scott C. Stratman, Esq. of Valerian, Patterson & Stratman of Alameda.

Case: Odell vs. Coleman

Side: Plaintiff

Event: Sever burns from a floor furnace fire.

Date: May 30, 2007

Client: Christina Pan, Esq. of Clapp, Moroney, Bellagamba et al of San Bruno

Deposing attorney: Bryce Chastain, Esq of Rehon & Roberts of San Jose

Case: GF Construction v. Vanni Investments, et al.

Side: Plaintiff

Event: HVAC complaints in office complex.

Date: May 17, 2007
Client: Paul Van Der Walde, Esq. of Sunnyvale, Ca.
Case: Ester Duvon
Deposing attorney: Tony Pinelli, Esq. of Williams, Pinelli & Cullin of San Jose
Side: Plaintiff
Event: Carbon monoxide poisoning of renter of small cottage, non-lethal.

Date: May 24, 2006
Client: Robert W. Cottle, Esq. of Mainor Eglet Cottle
Case: Strong vs. Hayward
Deposing attorney: William S. Roberts, Attorney at Law
Side: Plaintiff
Event: Pool filter lid blew off, causing brain damage to Strong.

Date: August 31, 2005
Client: Burton, Volkmann & Schmal
Case: Scott's Valley High School vs. BFGC Architects, Capitol Engineers, et al
Deposing attorney: Bill Peters
Side: Plaintiff
Event: Construction Defects

Date: August 10, 2005
Client: Eric R. Hillier of Wood Smith Henning & Berman, LLP of Concord, Calif.
Case: SPM Housing Associates v. McConstruction, Inc.
Deposing firms: Fortune, Drevelou, O'Sullivan & Hudson. Sheppard Mullin Richter & Hampton. Charter Davis.
Event: Construction defects in an apartment complex in Tracy, Calif. Apollo HydroHeat & Cooling units with Grundfos pumps were involved.
Side: Defense.

Date: July 11, 2005
Client: Timan
Case: Award Homes
Deposing attorney: Dan Smith of Bowman & Brooke, LLP of San Jose
Side: Plaintiff
Event: Hot water recirculation lines leaked.

Date: March 7, 2005
Client: Randy M. Andrus of Andrus & Assoc., of Folsom Ca.
Deposing attorney: Jeffrey T. Nichols (of A. O. Smith)
Case name: Prasad vs. Merryhill, et al.
Side: Plaintiff
Event: Water heater flare-back burned janitor's legs.

Date: 12/15/2004

Client: Dave Ditora of Goldsberry, Freeman, Guzman & Ditora of Sacramento

Case: Condo owner wanted to install air conditioning @ So. Lake Tahoe

Deposing attorney: Feldman Shaw, LLP of Zephyr Cove, Nevada

Case name: F. E. Hollow vs. Lakeland Village Owners Assn.

Side: Lakeland Village Owners Assn.

Date: 12/17/2003

Client: Calvin Stead of Borland & Petrini, et al of Fresno

Case: Pismo Beach Motel CO poisoning

Deposing attorney: James R. Murphy, Jr. of Arroyo Grande, Ca

Case name: Bonkosky v. Canopus Investments, LLC

Case: Carbon monoxide poisoning by apartment wall heater.

Side: Defense of apartment owner.

Date: 3/31/03

Client: Marlin Howes of Sempra Energy Law Department of Los Angeles

Case name: Zabate vs. Southern California Gas Company

Deposing attorney: Juanita Madole of Madole Law Office of Irvine

Case: Carbon monoxide death by apartment wall heater.

Side: Defense of gas company.

Date: 5/30/02

Client: Grant C. Woodruff & Associates of Roseville, California

Case name: Caudillo vs. Ranchwood Home Owners

Deposing attorney: Kim Jennings of Clapp, Moroney, et al of Pleasanton

Case: HVAC defects.

Side: Defense of HVAC contractor.

Date: 7/9/01

Client: Michael Drayton of Stuart L. Smits of Sacramento

Case name: Linville vs. Cooper et al

Deposing attorneys: John Fletcher of Fletcher, White & Adair of Malibu
and Wilma Grey of McNamara, Dodge, Ney et al of Walnut Creek

Case: Chronic CO poisoning from domestic water heater.

Side: Plaintiff.

Date: 6/26/01

Client: Richard G. White, Esq. of San Jose

Case name: Salah, et al v. Consolidated Industries, it al

Deposing attorney: Kevin Cody of Ropers, Majeski, Kohn & Bentley of San Jose.

Case: Faulty factory modification of residential furnaces caused fires.

Side: Plaintiff.

Date: 2/16/01

Client: Robert Cottle, Esq., of Maynor & Harris, Las Vegas

Case name: Anthony Lehrer versus American Products, Inc.

Deposing attorneys: D. Shane Clifford of Dixon & Truman of Las Vegas

Case: Pool filter lid blew off, injuring plaintiff.

Side: Plaintiff.

Date: 12/6/00

Client: Noel Kidd of the Jeffrey F. Paccassi Law Firm of San Francisco

Case name: Three Oaks Apartments v. et al

Deposing attorneys: Stevan C. Adelman of Miller, Morton, Caillat & Nevis of San Jose &

Kim D. Jennings of Clapp/Moroney of Pleasanton.

Case: Apartments with split system heatpumps were alleged to be faulty.

Side: Defense of mechanical design/build contractor.

Date: 8/15/2000

Client: Joseph P. Harris of Sweeney, Mason, Wilson & Bosomworth

Case name: Bryan Family Partnership II, Ltd v E-Tek Dynamics, Inc.

Deposing attorney: Scott L. B. McLaughlin of Hoge, Fenton, Jones & Appel

Case: Prospective tenant refused to move into R & D building because of problems with building, including HVAC shortcomings; broke lease.

Side: Prospective tenant (defense).

Date: 5/23/2000

Client: Maguire & Gahan of San Rafael, California

Case name: Fire Insurance Exchange vs. Rheem Mfg & Robertshaw

Deposing attorneys: Frank Bondonno of Popelka, Allard of San Jose &

Terry Tadlock of Imai, Tadlock & Keeney of San Francisco

Case: Major residential fire believed to have been caused by malfunction of furnace's ignition control circuit board.

Side: Plaintiff.

Date: 7/14/99

Client: Ana Pregliasco, Esq., of Williams, Pinell & Culen of San Jose

Case name: Parkview Home Owners v Silverado

Deposing attorney: Julie A. Welsh of Archer, McComas, Breslin, McMahon & Chritton of Walnut Creek

Case: Condominium defects: Misc. HVAC shortcomings.

Side: Defense.

Date: 1/13/99

Client: Aana Pregliasco, Esq, of Williams, Pinelli & Cullen of San Jose

Case name: Fairview Greens

Deposing attorney: Michael Polentz of Berger & Hopkins of San Jose

Case: Condominium defects: misc. HVAC shortcomings

Side: Defense.

Date: 8/12/98

Client: e. robert (bob) wallach, esq. of San Francisco

Deposing attorney: Terrence Kenney of Wild, Carey & Fife of San Francisco

Case name: Truehart v. Fleetwood RVs

Case: Recreational Vehicle had propane explosion. Traced cause to furnace.

Side: Plaintiff.

Date: 8/6/98

Clients: Sheldon Blum, Esq. & Jeff Widman, Esq., both of San Jose

Deposing attorney: Christopher Schumb of San Jose

Case name: Blum vs. Trillo Air Conditioning

Case: Replacement of building's air conditioning system was done badly.

Side: Plaintiff.

Date: 5/6/98

Client firm: McCormic, Barstow, Sheppard, Wayte & Carruth of Fresno

Client attorney: Curt Vote, Esq.

Deposing attorneys: Mark B. Freschi, Attorney at Law, of San Jose &
Kevin D. Reese of Steel, Levitt & Weiss of San Francisco

Case name: Moroa Park Apartments, Fresno

Case: ABS drain pipe failure.

Side: Defense

Date: 12/15/97

Client firm: Gudmundson, Siggins, Stone & Skinner of San Francisco

Client attorney: Mark A. Hagopian

Deposing attorney: Michael G. McKenna of Durard et al of San Mateo

Case name: Copsey. American Air Company, Inc.

Case: Dust from ducts caused telephone operator's asthma?

Side: Defense.

Date: 3/24/97

Client firm: Clapp, Moroney, Bellagamba, Davis & Vucinich of San Jose

Client attorney: Carol Stair

Case name: Casa Blanca Condominiums, Sunnyvale

Case: Condominium plumbing installation imperfections

Side: Defense.

Date: 3/13/97
Client firm: Law Office of Richard White, San Jose
Client attorney: Steve White
Case name: Woodside Terraces, Aptos
Case: Condominium defects = leaking PVC water mains.
Side: Plaintiff

Date: 10/28/96
Client firm: Law Office of Richard White, San Jose
Client attorney: Steve White
Case name: Hamilton Place
Case: Condominium defects
Side: Plaintiff

Date: 5/29/96
Client firm: Schofield Schiller of Walnut Creek
Client attorney: Louis F. Schofield
Deposing attorney: Gail M. McMahon of San Francisco
Case name: Rodegeb v. Giusto, et al.
Case: Floor furnace fire killed Redegeb
Side: Defense.

Date: 1/31/96
Client firm: Law Office of Ronald Miller of San Rafael
Client attorney: Ron Miller
Case name: Fire Insurance Exchange versus Carrier Corporation, et al.
Case: Furnace set house on fire.
Side: Plaintiff

Date: 8/6/94
Client firm: Dreyer, Babich, Buccola & Callaham of Sacramento
Client attorney: Roger Dreyer
Case name: Vasquez v Watt, et al.
Case: Child burned by hot water in tub/shower.
Side: Plaintiff

Date: 6/7/94
Client firm: Law Office of McGuire & Gahan
Client attorney: John Cesari, Ron Miller, Dan McGuire
Case name: Fire Insurance Exchange vs. American Home Shield
Case: Furnace & water heater flues caused fire.
Side: Plaintiff.

Date: 11/10/93
Client firm: Luna & Brownwood
Client attorney: Donna M. Maryanski
Case: Scalded foot from ruptured garden hose with hot water.
Side: Defense of plumbing contractor.

Date: 5/13/93
Client firm: Bohn, Bennion & Niland of San Jose
Client attorney: Edward L. Niland
Case name: Sadowski v. Los Altos Athletic Club, Inc.
Case: Steam burned client.
Side: Plaintiff.

Date: 4/16/93
Client firm: Bostwick, Rowe & Janoff of San Jose
Client attorney: Jeffrey D. Janoff
Case: Injury due to clogged water closet in restaurant.
Side: Plaintiff.

Date: 2/10/93
Client firm: Sedgwick, Detert, Moran & Arnold of San Francisco
Client attorney: Karin A. Poire
Case: Carbon monoxide injury due to faulty furnace flue.
Side: Plaintiff.

Date: 11/17/92
Client firm: Ropers, Majeski, et al of Redwood City
Client attorney: James McKibben
Case name: Brittany Landing Bay v. Ponderosa
Case: H.V.A.C. defects in condominiums.
Side: Defense.

Date: 10/21/91
Client firm: Schmidt, Herlihy, Hepler, Mertes & Klein of S.F.
Client attorney: Paul J. Herlihy & Ed Bloom
Case name: Snowcreek, Inc. v. Gary Vilhauer
Case: Restaurant dishwasher dumped to crawl space.
Side: Defense.