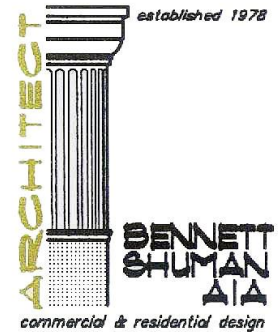


D. BENNETT SHUMAN ARCHITECT, AIA

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LITIGATION LISTING SERVICES

In the course of assisting clients in the design and construction field it has become commonplace that I am able to offer assistance recognizing contractual requirements, industry standards, and standard of care issues for litigation. My experience with codes and standards provides me with a unique perspective on implementing a conditional response based on a field of factual criteria.

Project # 8711 - Expert Witness

Bozeman v. Wilson & Associates, Galleria Mall Birmingham (Montgomery County, AL)
Brannan & Guy, PA – Bernard Brannan, Attorney (334) 264-8118

- * Deposition and testimony regarding deficiencies of accessibility.
- * Presentation and video of accident scene and staging accident from reports.
- * Research and summary of design/ construction standards.

Projects # 9303 & # 9310 - Courtroom Presentation

Cases Unnamed (Escambia County, FL)
Baker Baker & Duke PA – Steve Baker, Attorney (850) 434-3009

- * Illustrate accident scene and produce scaled representation of existing conditions.
- * Communicate legal viewpoints for witness questioning.

Project # 9316 - Expert Witness

Robbins v. City Drug Store, Inc. (Covington County, AL)
Rushton Stakely Johnson & Garrett – William Haynes, Attorney (334) 834-8480

- * Surveyed accident scene and reported on accessibility.
- * Presented data to illustrate factual data in case.

Project # 9413 - Panelist for Arbitration Case

Brown v. Craftsman Contractors, Inc. (Escambia County, FL)
Robert Emmanuel, Attorney (850) 433-6581 – Bruce Partington, Attorney (850) 434-9200

- * Heard testimony from witnesses and construction representatives; evaluated factual data for claims by each party in case.
- * Determine damages and award monetary judgments; summarize roles, damages, and values in case.
- * Courtroom appearance with American Arbitration Association.

Project # 9419 - Expert Witness

Wooten v. Southeast Alabama Medical Center (Houston County, AL)
Rushton Stakely Johnson & Garrett – William Haynes, Attorney (334) 834-8480

- * Review and interview personnel and conditions of accident.
- * Survey and document facts of case; Presentation for Courtroom analysis.
- * Form conclusions based on existing conditions; Aid attorneys for analysis and guidance in accessibility of construction.

Project # 9500 - Expert Witness

Woody Associates v. Howell (Washington County, FL)
Roy Lake, Attorney (850) 547-5959

- * Testimony and depositions regarding design fee questions; evaluate quality of design/ contract package and design work performed.

Project # 9513 - Investigation

Watson Investigation (Pensacola Beach, FL)

- * Owner/ Waterproofing consultant requested collaborative reports and findings for pile constructed residence.
- * Field Survey, photographs & reports performed for inclusion in Owners complaint of builder.
- * Consulted in final summary statement of waterproofing consultant and reviewed testing results of consultant.
- * Case settled out of court.

Project # 9607 - Expert Witness

Nickelson v. Porter (Santa Rosa County, FL)
Legal Center Clinic, PA – Edmund Holt, Attorney (850) 469-0397

- * Provide testimony regarding construction/ design setbacks, sightlines, definition of architectural terms, etc.
- * Review existing conditions and render summary findings.
- * Courtroom appearance and investigation of construction data.

Project # 9621 - Expert Witness

Gulf Coast Specialties v. Bullock Tice Architects (Escambia County, FL)
Beggs & Lane – Bob Crongeyer, Attorney (850) 432-2451

- * Testimony and deposition of ethics in business; American Institute Of Architects Core Values.
- * Review construction administration procedures and render summary findings of action by parties.

Project # 9623 & 9624 - Investigation

Tivoli Condominiums - Phase II & Phase III

- * Home Owners Association/ Waterproofing consultant requested collaborative report and findings for EIFS failures (Exterior Insulation Finish System - synthetic stucco).
- * Consulted in final summary statements of waterproofing consultant and reviewed testing results of consultant.
- * Case settled out of court.

Project # 9628 - Expert Witness

Gaddy v. Chandler Construction (Escambia County, FL)
Beggs & Lane – Dave McGee, Attorney (850) 432-2451

- * Structural testimony and depositions for residential construction latent problems.
- * Review soil data and provide illustrations for courtroom presentation.
- * Review soils report.
- * Case settled out of court.

Project # 9629 - Expert Witness

Gaddy v. Chandler Construction (Escambia County, FL)
Beggs & Lane – Dave McGee, Attorney (850) 432-2451

- * Review of construction contracts and analysis of damages to Adult Congregate Living Facility.
- * Provide Summary report and testimony.
- * Case settled out of court.

Project # 9704 - Expert Witness

Campbell v. Baldwin County School Board

Richardson Daniell Spear & Upton, PC – J. Lynn Perry, Attorney (334) 844-8181

- * Review & summary of Handicapped Accessibility.
- * Case settled out of court.

Project # 9711 - Expert Witness

Jackson v. Winn Dixie Montgomery, Inc.

Legal Center Clinic – Ed Holt, Attorney (850) 469-0397

- * Researched products used in construction and reviewed permitted documents.
- * Reviewed existing conditions and rendered summary findings.
- * Research and summary of Design/ Construction standards.
- * Case resolved w/ jury verdict

Project # 9801 - Expert Witness

Dunes Motel, Inc. v. Fireman's Fund Insurance Companies

Moore Hill Westmoreland Hook & Bolton – Larry Hill, Attorney (850) 434-3541

- * Deposition and testimony regarding permitting Coastal Environments.
- * Provided summary report relating to time from design to building completion.
- * Providing expert testimony regarding construction industry standards.

Project # 9809 - Expert Witness

Dale Tomaso v. Meinerz

Wilson Harrell Smith Boles & Farrington, PA – Tracy Whitt, Attorney (850) 438-1111

- * Investigation and summary analysis of resilient floor products and counter statements for third party expert witness.
- * Historical data and testing criteria for resilient flooring.
- * Case settled out of court.

Project # 9818 - Expert Witness

Hamilton v. Bierster

Joseph M. Matranga, Attorney (334) 433-1634

- * Investigation and summary analysis of waterproofing and damproofing for third party expert witness related to problems with a residence constructed in Baldwin County, AL.
- * Investigation and on-site detailing for masonry & flashing intersections.
- * Detailing structural connections and verifying building code compliance of existing conditions.
- * Providing courtroom testimony for expert analysis of synthetic stucco and testing by way of core sampling.
- * Case resolved with jury verdict.

Project # 9828 – Expert Witness

Murphy v. Kinson Cook, Inc. & Brown - Anderson

Laird Woodard & Baker – Alan Woodard, Attorney (334) 222-9115 or (334) 493-9716

- * Review site and building conditions relating to damproofing and waterproofing.
- * Review documents used in construction of public building and observe 'as-built' conditions.
- * Provide deposition, documentation, and report of findings relating to moisture intrusion and poor indoor air quality.
- * Case settled out of court.

Project # 9902 – Panelist for Arbitration Case

Arc Electric v. Wescon Corp. and U.S. Fidelity & Guaranty Co. (Escambia County, FL)

Clark Partington Hart Larry Bond Stackhouse & Stone – Bruce Partington, Plaintiff Attorney (850) 434-9200

Emmanuel Sheppard & Condon – A.G. Condon, Defendant Attorney (850) 433-6581

- * Courtroom appearance with American Arbitration Association.
- * Construction case involved with delays and damages between general contractor and subcontractor for two

separate publically funded projects in Escambia County. Experience shared with issues involving contracts, interpretation of schedules and completion of work, quality control, and deliberation as to awards in the case.

Project # 9923 – Expert Witness

Soundwind Condominiums v. Santa Rosa County Building & Services Division (Santa Rosa County, FL)

Thomas M. Brady, Attorney (850) 432-6181

- * Reviewed conditions of building code ruling by Division and formulated an opinion which contradicted the enforcement of such ruling. Research involving exits, exit accesses, and multiple personal interviews with SBCCI (Standard Building Code Congress International).
- * Court Order injunction by a tenant to stop construction work at stairs was challenged by the condo association.

Project # 9924 – Expert Witness

Turner v. Kinson Cook, Inc. & Brown – Anderson

Self - Mullins, PC – Ronald W. Self, Attorney (706) 649-3080

- * Review site and building conditions relating to damproofing and waterproofing.
- * Review documents used in construction of public building and observe ‘as-built’ conditions.
- * Provide deposition, documentation, and report of findings relating to moisture intrusion and poor indoor air quality.

Project # 2016 – Prime Officer for Arbitration Case

DeMaria v. Terrhar & Cronley Contractors (Escambia County, FL)

Plaintiff Attorney - Emmanuel, Sheppard & Condon – Robert Emmanuel (850) 433-6581

Defendant Attorney Beggs & Lane – Charlie Wiggins (850) 432-2451

- * Courtroom appearance with American Arbitration Association.
- * Construction case involved with delays and damages between owner and general contractor involving contracts, interpretation of schedules and completion of work, quality control, and deliberation as to awards in the case.

Project # 2022 – Prime Officer for Arbitration Case

Evers v. Ellzey Construction Company (Escambia County, FL)

Plaintiff Attorney - Levin Middlebrooks Thomas Mitchell Green Echsner Proctor & Papantonio, PA – Steve Echsner (850)

Defendant Attorney - 435-7079 – Taylor & Van Matre, PA – Tom Van Matre (850) 474-1030

- * Courtroom appearance with American Arbitration Association.
- * Construction case involved a dispute over construction contract, scope of work, and performance of the general contractor and his sub-contractors. Further described as Owner non-acceptance of the work and resolution to complete the final work.

Project # 2104 – Expert Witness

George & Dalen Orphanos v. Lloyd’s of London (pending insurance collapse claim)

Plaintiff Attorney - Arden J. Lea (850) 302-0666

Defendant Attorney - Bovis Kyle & Burch, LLC – J.S. Scott Busby (770) 391-9100

- * Review site/ as-built conditions of recent construction project; report on failure of damproofing and waterproofing systems; attend/ assist in documentation of destructive testing; determine cause and repair methods; define scope of design and construction work.
- * Provide expert testimony for failure in construction following existing contract document review.

Project # 2110 – Expert Witness

Dillin v. Bagby Elevator Co.; Inclinators Company of America; Michael & Kim McGartland; Philip Napier; Napier Management Company; Napier Inc. of Pensacola; Turner Boaz Architecture; Turner Boaz Stocker Architecture; Julian Peterman Architect Mark Schneider for the Law Offices of Herzfeld & Rubin, Miami, FL (Bagby) & Thomas Jenkins & Raymond Higgins for the Law Offices of Bozeman Jenkins & Matthews, Pensacola, FL (Bagby) - Richard Young & Jim Barnes for the Law Offices of Young Bill & Fuggett, Pensacola, FL (Inclinators) - James Evangelista for the Law Offices of Fowler

White Gillen Boggs Villareal & Baker, Tampa, FL (McGartland) - Michael Schofield, Greg Shoemaker & Adrianna Spain for the Law Offices of Schofield & Wade, Pensacola, FL (Napier) - Donald Gibson for the Law Offices of Gray Harris & Robinson, Orlando, FL (Turner Boaz)

Robert Crain for the Law Office of Frank Branson, Dallas, TX (Plaintiff Attorney)

- * Provided review of depositions involving eighteen interviewees and formed opinions & reference notes regarding their testimony.
- * Reviewed the equipment (warehoused locally), measured, photographed, and accounted for deposition explanations involving the elevator accident in the private elevator.
- * Provided sketches of hoistway details and dimensions of minimum clearances per ASME A17.A statutes.
- * Researched private elevator statutes in Florida and the US.
- * Researched professional licensing requirements for non-Florida based corporation practicing in Florida.
- * Established participation levels of the separate design groups based on construction documentation.
- * Provided summary reports and filed affidavit for violations within industry standards and practices.
- * Case settled out of court.

Project # 2200 – Expert Witness

Bay Design Associates Architects v. John Priller/ Donna Wilson

Plaintiff Attorney - Matt Dannheisser (850) 434-7272

- * Reviewed documents regarding design services and non-payment issues.
- * Design costs were analysed and reported per the scope of work on project.
- * Reported on the design contract and the timing of the pre-construction coordination w/ bldg. code issues.

Project # 2215 – Expert Witness

Un-named pending (Holt) v. Ethan Allen

Plaintiff Attorney - Ed Holt (850) 434-7694

- * Due to a slip/ fall accident the report reviewed accessibility guidelines for the existing conditions.
- * Photographs and measurements were taken including a site survey that accompanied the report.
- * Case pending

Project # 2220 – Expert Witness

Homeowners (see below) v. McNabb/ Runnels Corp. Inc.

Plaintiff Attorney - Vernis & Bowling (Michelle Hendrix) (850) 433-5461

- * Insurance repair consultation and damage assessment to eight residences in Niceville and Ft. Walton Beach, Fl. that had experienced exterior envelope damages. Insured homeowners included the following list of (Hasenclever, Kraemer, Kuether, Russ, Thompson, U. Wistorf, W. Wistorf, & Wolterbeek) and consisted of access to improvements and historical data regarding the reported repairs and their subsequent failures.
- * Reviewed and assessed damages, and produced written and photographic reports based on code(s) and manufacturer's requirements for installation of product lines.
- * Cases settled through mandated mediation.

Project # 2311 – Expert Witness

Cases Pending State of Louisiana versus BG Real Estate Services, Inc./ Building Owners

Cases Pending Kristen M. Rhodes, Et Al versus BG Real Estate Services, Inc. Et Al

Cases Pending Sherry Watters, Et Al versus Department of Social Services (State of Louisiana) Et Al

Plaintiff Attorney - Robert G. Creely & Nicole M. Loup for Amato & Creely Firm

Defense Attorney - Gary M. Zwain, Attorney At Law w/ Zwain, Bourgeois, & Morton (504) 832-3700 & supporting Attorneys Joseph B. Morton, III; & Kevin Derham

- * The Plaza Tower (forty five story high rise) in downtown New Orleans, La. and an adjacent annex building (consisting of five stories) were evaluated for moisture intrusion. Exterior and interior surfaces were reviewed for moisture and numerous samples were taken for evaluation and documentation for mold. Destructive testing was conducted and wall cavity drafting was noted. Lab sampling was categorized for remediation levels.

* Existing depositions were researched for damage claims and room numbers and subsequent square footage areas were further evaluated. Comparisons were achieved based on existing leasable spaces.

Project # 2317 – Prime Officer for Arbitration Case

Chiarolanza vs. Village Construction

Plaintiff Attorney - John B. Trawick for Shell, Fleming, Davis, & Menge Firm

Defense Attorney - Robert Heath, Esq.

* Case settled prior to hearing

Project # 2426 – Prime Officer for Court Ordered Mediation Settlement Case & Expert Witness

Westchester Fire Insurance versus Punit Corporation & First National Bank of NW Florida

Best Western - Pensacola, Florida

Plaintiff Attorney - W. Frank Greenleaf for Welbaum, Guernsey, Hingston, Greenleaf, & Gregory, LLP & H. Westley Reader for Emmanuel, Sheppard, & Condon Firm

Defense Attorney - John Trawick for Shell, Fleming, Davis, & Menge Firm

* Services included neutral Architect status for the completion of the incompletd residential motel project on Detroit Blvd. in Pensacola, Fl.

* Review of existing documents and existing construction and construction observations for permitted project. Evaluate the status of completion and progress of the completed work.

* Arbitrate disputes arising from documentation conflicts. Interpret and resolve numerous conflicts related to quality control, conduct shop drawing reviews, and review construction pay estimates.

Project # 2508 – Copyright Infringement & Expert Witness

Thomas Home Corporation versus Reve Development Corporation, R. A. Noel, D. L. Jones II, & S. L. Jones - Pensacola, Florida

Plaintiff Attorney - Zachary Messa w/ Johnson, Pope, Bokor, Ruppel, & Burnes, LLC. in Tampa, Fl.

Defense Attorney - Robert Beasley w/ Litvak Beasley & Wilson, LLP. in Pensacola, Fl.

* Services included serving as an expert witness comparing various design aspects between floor plans, elevations, related to form, arrangement, composition of spaces and elements not functually required due to the occupancy.

* Existing depositions were reviewed and strengths and weakness assessed.

Project 2614 – Expert Witness

Laugna Pointe Condominium Association of Pensacola, Inc. v. Laguna Pointe, Inc/ Uzdevenes/ CTC Development Corp./ Etc.

Plaintiff Attorney William D. Anderson w/ Daniell, Upton, Perry & Morris, P.C. P/O/ Box 1800 Daphne, AL. 36526

Defense Attorney James A. McGhee, P.A. w/ Kirkland & McGhee, P.A. 3000 Langley Ave. – Ste. 302 Pensacola, FL. 32524 (850) 332-6120

Defense Attorney - Charles T. Wiggins w/ Beggs & Lane 501 Commendancia St. Pensacola, FL. 32502

Defense Attorney - Bruce D. Partington w/ Clark, Partington, Hart, Larry, Bond & Stackhouse 125 W. Romana Street – Ste. 800 Pensacola, FL. 32502

Defense Attorney - Robert Palmer w/ Wade, Palmer & Shoemaker 25 West Cedar Street – Ste. 450 Pensacola, FL. 32501

Defense Attorney - William G. Christopher w/ Maglio, Christopher & Toale Bayou Professional Center – 2nd Floor 1751 Mound St. Sarasoda, FL. 34236

Defense Attorney - Rosanne L. Olmstead w/ Olmstead & Olmstead, Inc. 234 Gulf Shores, AL. 36542

Defense Attorney - David Jester w/ Galloway, Johnson, Tompkins, Burr & Smith, P.L.C. 118 East Garden St. Pensacola, FL. 32502

- * Review site/ as-built conditions of recent construction project; report on failure and omissions of damproofing and waterproofing systems; assist in documentation of destructive testing; determine cause and repair methods; define scope of design and construction work restoration.
- * Provide expert testimony for defects in construction following existing permitted & contract document review.
- * Reviewed historical photograph of construction site observations
- * Reviewed permitting conditions and reported on alternate construction methods employed.
- * Reported on standards of care not realized by designers and contractor(s).
- * Reviewed alternative reports for validation purposes.

Project # 2702 – Expert Witness

Louis & Margaret Robinson v. Home Depot Inc.

Plaintiff Attorney (Unknown)

Defense Attorney - Michelle Hendrix w/ Vernis & Bowling. 315 South Palafox Street Pensacola, FL. 32502
(850) 433-5461

- * Reviewed installation of windows and interaction required with synthetic stucco.
- * Reported on coordination effort required for replacing windows.
- * Identified problems representative of installation failures.
- * Case settled out of court.

Project # 2709 – Expert Witness

C.D. Jones v. Thomas & Adele Daake

Plaintiff Attorney - Matthew Bordelon 2721 Gulf Breeze Parkway Gulf Breeze, FL. 32563

Plaintiff Attorney - John Unzicker, Jr. Vernis & Bowling of NW Florida 315 S. Palafox St. Pensacola, FL. 32502
(850) 433-5461

Defense Attorney - Bruce Partington 125 W. Romano St. Suite 800 Pensacola, FL. 32502 (850) 934-9200

- * Reviewed as-built conditions and compared residential changes to original contract documents.
- * Case pending.

Project # 2805 – Expert Witness

Teri Haggerty v. Not Named (Pending)

Plaintiff Attorney - Stacey Langenbahn P.O. Box 176 Colleyville, TX. 76034 (817) 283-5100

- * Provided field report of existing conditions and reviewed damage to original wall opening protection.
- * Researched installation methodology of failed components.
- * Provided wind load verification for specific unit @ Santa Rosa Dunes.
- * Case ongoing.

Defense Attorney (Unknown)

Project 2814 – Expert Witness

Mann v. Adache Group Architects, Inc.

Plaintiff Attorney – Daniel Uhlfelder 124 E. County Rd. 30-A Grayton Beach, FL. 32459 (850) 534-0246

Defense Attorney – David Jester w/ Galloway, Johnson, Thompkins, Burr, and Smith 118 E. Garden St. Pensacola, FL.
32502 (850) 436-7000

- * Provided review of existing conditions and research for timelines regarding repairs attempted by contractor.
- * Reported on discovered failures at the condominium post hurricane and remediation recovery efforts.
- * Provided third party support of the HOA common areas for potential resolution with contractor of record in warranty period.
- * Reported on Hall opinions and discoveries released for review.