

**McDowell Osburn**  
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October 4, 2012

Curt Freedman, PE  
24 Ridge Road  
Longmeadow, MA 01106

**RE: Susan Mummey, Individually and as Adm. of the Estate of James Mummey  
v. Robert A. Gagne d/b/a Bob Gagne Plumbing & Heating, et al  
Our File No. 17,545**

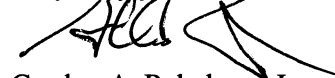
Dear Curt:

This case, as you know, went to trial in the Strafford County Superior Court on September 17, 2012. The jury ultimately returned a verdict for the plaintiff, but assigned a mere 7.5% of fault to our client, Robert Gagne. The remaining 92.5% of fault was assigned to the various other responsible parties. By any standard, this result can be considered a victory for Mr. Gagne.

This result was achieved, in no small measure, by your efforts as the defendant's liability expert. The plaintiff's liability experts advanced a theory as to how this accident occurred which implicated all of the numerous defendants in this matter, including our client. The various defense experts claimed that the accident could not have occurred as the plaintiff's experts theorized, but no one, other than you, was able to develop an alternative theory as to how the accident occurred which was at all credible. Your opinion that thermal expansion was the likely cause of the flue pipe separation as opposed to repetitive and relatively minor hard starts gave the jury a credible alternative explanation as to how the accident happened and one which did not implicate our client. Without that alternative explanation, it is unlikely that we would have achieved the favorable results that we did.

Your ability to analyze the cause of the failure of the flue pipe and to then translate that opinion into clear, concise and believable testimony was, in my opinion, the principal factor in enabling us to achieve success. Your efforts in that regard were much appreciated by my client, my client's insurance company and myself. Should I have another case where the services of a forensic engineer are required, I will be sure to contact you.

Very truly yours,



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