

FOR: THE JOINT COMMITTEE TO INVESTIGATE
THE I-35 BRIDGE COLLAPSE

PROJECT: GRAY PLANT MOOTY'S RESPONSE TO
THE RFP FOR LEGAL SERVICES

DATE: DECEMBER 3, 2007

© 2007 Gray Plant Mooty

A. Proposal

Firm Experience

Fee Information

Conflict Disclosure

Conclusion

B. Biography of GPM Team Leader

C. Biographies of GPM Team Members

D. Biographies of Engineering Partner Team

E. Firm Background

Introduction to GPM

GPM Recognitions & Honors

Client Service Standards

Structure of Ownership and Management

Office Location and Employees

F. Relevant Practice Area Overviews

Business & General Litigation

Business Law Transactions

Construction Law

Environmental Law & Land Use Management

Government Relations

Insurance & Risk Management

Products Liability & Tort Litigation

Real Estate

White Collar Crime

Proposal

Gray Plant Mooty Mooty and Bennett (GPM) is pleased to present this proposal to the Joint Committee to Investigate the I-35W Bridge Collapse.

If chosen to represent the Joint Committee, GPM will draw on our 140-year history in Minnesota; our team of over 160 skilled attorneys in Minneapolis, St. Cloud and Washington, D.C.; our extensive experience representing public sector clients in the state and across the nation; and our reputation for integrity.

Integrity Comes First

Perhaps U.S. Senator Amy Klobuchar said it best, "Bridges are not supposed to fall down, especially in Minnesota." Every citizen wants to know, and is entitled to know, what happened. Why *did* the I-35W bridge collapse? If the fault was structural, technical experts must identify it, but even structural deficiency raises questions of accountability, governance, and process, which must be identified as well. Structures do not build or maintain themselves. There is a human factor. The component of individual or organizational responsibility must be examined through aggressive and thorough fact-finding by professional seekers of evidence. The investigation must be highly professional and, even more important, conducted with absolute integrity.

At GPM, integrity comes first and this has been widely recognized. In recent years, GPM has been honored with the Minnesota Business Ethics Award as well as the Better Business Bureau Integrity Award.

Bob Stein to Head GPM Team

If GPM is selected by the Joint Committee, **Robert (Bob) Stein** will serve as the lead attorney and spokesperson. Bob rejoined GPM this year after serving for twelve years as the Executive Director and COO of the 400,000-member American Bar Association. While at the ABA, he had overall management responsibility for the Association's numerous programs, which included such initiatives as development of the Model Code of Professional Responsibility and advising the United States Senate on the qualifications of the President's nominees for federal judgeships. Bob previously served for many years as Dean of the University of Minnesota Law School and University Vice President for Administration and Planning, in which role he was charged with overseeing the University's vast physical plant. He also had broad responsibilities for ensuring the University's compliance with relevant laws, procedures, and requirements. As team leader and spokesperson, Bob Stein will bring a well-deserved reputation for sound judgment, ethics and integrity, and invaluable experience from the many occasions in which he has been called upon to lead important studies and investigations for state leaders, the University of Minnesota, and the legal profession. You will find Bob Stein's complete biography behind Tab B.

In addition to Bob Stein, the GPM Investigative Team will include GPM Litigation Co-Chair Katie Bergstrom; former Hennepin County Attorney, Tom Johnson; former University of Minnesota Board of Regents Chair, David Lebedoff; former GPM Managing Officer and Chairman of the Board, Bruce Mooty; senior complex litigation attorney, Nick Nierengarten; former General Counsel to Opus Construction, Jay Tucker; and former Assistant United States Attorney, Eric Yaffe. We will also utilize associates, paralegals and other personnel, as appropriate, to complete

the investigation on a cost-effective basis. The GPM team's relevant experience is highlighted below and in their biographies included behind Tab C.

Strong Relevant and Diverse Experience

The GPM team will bring a unique set of skills and experience to identifying what management decisions and policy choices may have contributed to the collapse of the I-35W bridge. The most relevant skills and experience of the Team members are highlighted below.

Experience working with large public institutions. Our public sector practice is diverse, encompassing a broad range of legal services to local governments and political subdivisions as well as public universities and hospitals. Our lawyers have participated in the management and operation of governmental entities as chief legal counsel, special counsel, and as voting members of numerous governmental entities and commissions. Included in the work we have done is the establishment and management of public institution budgets. Attorneys on the GPM team have been associated with all the largest governmental and institutional bodies in the state, either as officials within those institutions or as outside legal counsel.

Tom Johnson has served on the Minneapolis City Council and as Hennepin County Attorney. In the latter position, Tom had ultimate responsibility for advising the county with respect to the laws, budget, procedures, and requirements relevant to the operation of the county, including issues of fiscal management. As County Attorney, he also personally presented over 100 investigations to the Grand Jury and was involved directly or administratively in countless investigations. Since leaving his position as Hennepin County Attorney, Tom has served as special counsel to numerous governmental units and frequently advises clients relevant to both internal and external investigations.

As previously mentioned, Bob Stein, in his executive positions with large institutions, was responsible for ensuring compliance with relevant laws, policies, procedures, and legal requirements. He was also closely involved with the development, management, and approval of large public institution budgets.

As Chair of the University of Minnesota Board of Regents, **David Lebedoff** worked closely with the University on priority setting as well as budget policy and implementation strategies. David has also served on numerous civic oversight boards.

Investigative experience. GPM is well-versed in the issues facing investigations similar to that of the I-35W bridge collapse. We have extensive experience across the following areas: drafting of appropriate subpoenas and requests for information, documentation organization and review, witness interviews and examinations, seeking immunity, executive privilege, attorney-client privilege, parallel proceedings, and work product issues. This experience has been gained through handling literally thousands of litigation and investigative matters.

Eric Yaffe served as the Assistant United States Attorney for the District of Columbia from 1991-1996. In that position, he prosecuted a wide variety of cases, including those involving complex white collar crimes. Eric has also served as a federal prosecutor with the United States Department of Justice in Washington, D.C. and, in that role, has managed dozens of investigations of individuals and corporations as a prosecutor and now as a defense attorney. In investigating complex financial, tax, fraud, and other matters, Eric has reviewed and organized thousands of documents; drafted, issued and responded to subpoenas and other requests for documents and information; interviewed hundreds of witnesses; presented reports and papers to government authorities and corporations summarizing investigations; and appeared before

government authorities and judges in federal and state courts. During his time with the Department of Justice, Eric periodically briefed Attorney General Janet Reno on the status of investigations involving parallel proceedings run by the Department of Justice, Congressional oversight committees, and other federal agencies.

Bruce Mooty is recognized as one of the top business, mergers and acquisitions lawyers in Minnesota. For the past eight years, he served as the Managing Officer and Chairman of the Board of GPM, during which time the firm opened offices in Washington D.C. and St. Cloud. As a business lawyer, Bruce has conducted extensive due diligence investigations for many clients purchasing or selling a wide variety of businesses, including the purchase of the Minnesota Timberwolves, the sale of the Minnesota Vikings, and the sale of International Dairy Queen to Warren Buffett's company. In almost all acquisition transactions, Bruce is involved in an extensive analysis of the condition, maintenance, and value of assets being transferred. As chief executive officer to GPM and as a board member to companies and various organizations, Bruce has tremendous experience in making significant decisions and choices regarding how to allocate resources, investigating, analyzing and solving problems, and establishing policies and procedures to minimize future problems.

Katie Bergstrom practices in the area of litigation and co-chairs GPM's litigation department with Eric Yaffe. Katie represents clients in state and federal courts around the country, before state and federal agencies, before state licensing boards, in arbitrations and in all types of alternative dispute resolution processes. She has been involved with many internal investigations involving an extensive amount of depositions and document review. Katie is also very well-versed on e-discovery and is a frequent writer and lecturer on the topic.

Representation of clients on major constructions projects. GPM has considerable experience representing contractors, real estate developers, and major construction companies involved in large-scale construction projects. We have also represented governmental bodies in investigations involving construction defects. In the process, we have handled major construction litigation where very substantial sums have been at stake.

Jay Tucker, who previously held the position of General Counsel for Opus Construction, has significant experience addressing issues related to design and construction of steel structures, including working through allocation of responsibility between various parties involved in the overall structural design and responsibility for simple and complex steel connections. He has worked on many complex steel structure projects and has experience working directly with Leslie Robertson, the structural engineer for the World Trade Center.

Eric Yaffe represented the Massachusetts Bay Transit Authority in a substantial piece of construction defect litigation involving the refurbishment of the South Station (train station) in Boston, MA. A suit was brought against several large engineering and construction firms as well as the Federal Railroad Administration involving complex construction issues and extensive documentation.

Nick Nierengarten is a senior litigator with the firm. Over the course of his 28 years of practice, he has been involved in many complex and multi-faceted litigation matters (both locally and nationally) involving a broad range of legal issues, including construction, products liability, Racketeer Influenced and Corrupt Organizations (RICO) Act, intellectual property, class actions, international treaties, multi-district litigation, environmental, and contract matters. These cases typically involved extensive discovery, including e-discovery. They frequently involve issues relating to privilege, including various governmental privileges, such as deliberative process, secrets of state, and other official information.

Engineering Partnership

In an investigation involving highly technical issues, GPM typically engages an engineering consultant to assist in the investigation. If selected by the Joint Committee, GPM will partner with Exponent, Inc., one of the nation's leading engineering consulting firms. Exponent has been called to the sites of our country's most notorious structural catastrophes, including the Oklahoma City bombing, the walkway collapse at the Kansas City Hyatt, the World Trade Center tragedy, and the grounding of the Exxon Valdez. Exponent has also served as a consultant to governmental entities investigating some of the largest highway projects in the nation's history, including the "Big Dig" in Boston.

Exponent's role here will be to assist GPM attorneys in analyzing documents, preparing for witness interviews and examining the choices and actions that may have contributed to the bridge's collapse, not to investigate the structural cause of the collapse. With over 800 engineers to draw on in 18 offices across the nation, Exponent is uniquely qualified to help put the I-35W Bridge collapse in both a local and national risk management context.

The lead Exponent engineer will be Lemoine (Lee) Dickinson. Dr. Dickinson will be part of the GPM Team. He is a former member of the National Transportation Safety Board (NTSB) and has extensive experience investigating major transportation-related accidents and failures, including the San Francisco/Oakland Bay Bridge and Cypress Freeway collapse. His current work includes a focus on the analysis of government and social policy issues related to safety and risk. A detailed bio for Lee is included behind Tab D, as are the biographies for other Exponent engineers who are available to the GPM Team.

Fee Information

Subject to clarification of the scope of the project, and the Committee's approval of services to be performed, we estimate that the cost of our services will be between \$400,000 and \$500,000. We emphasize that a more precise estimate is not possible until the Committee's specific goals have been described in greater detail. The detailed proposal request, which we will submit within two weeks of selection, will more precisely reflect the Committee's needs.

We would, of course, inform the Committee on an ongoing basis of the project status, including fee projections. In describing the backgrounds and professions of our team, we do not suggest that the named individuals would be working exclusively or concurrently on this project. It is our goal, as always, to utilize our attorneys' time to keep our fees as reasonable as possible. We have performed considerable work for the public sector, and respect the need for the most careful and justifiable expenditure of public funds.

Expenses. We manage expenses with our clients in mind, taking great care to allocate financial resources as if they were our own. We do not mark-up costs associated with third-party vendors, rather we pass costs directly as billed by the vendor. This policy will be followed for the costs associated with Exponent, our engineering consulting firm. We do not charge our clients for out-of-pocket expenses such as domestic long distance charges initiated at our offices, routine faxes, postage under \$10.00, and photocopying fewer than 100 pages. We will consult with you before spending on travel, messenger services, and overnight delivery.

Conflict Disclosure

The firm is currently adverse to the Minnesota Department of Transportation on two matters involving the environmental review process.

References

References will be provided upon request.

Conclusion

The collapse of the I-35W Bridge was a human tragedy of an unprecedented nature in Minnesota's history. Minnesotans deserve to know what factors may have contributed to the bridge's failure. There is an opportunity, and a necessity, to learn from this tragedy, and GPM would like to be a part of this process. We believe that our Team brings insights and experience in structuring the investigation, an aggressiveness in discovering all the facts, and a thoroughness and objectivity in analyzing those facts commensurate with the significance of this matter. As the oldest continuing law firm in Minneapolis, GPM has a longstanding reputation for providing outstanding legal services with the highest levels of integrity and ethics. With the selection of GPM, the Joint Committee can be assured that the investigation will be conducted with professionalism, expertise and integrity, and that it will also be perceived as such within our community.

GPM Team

Team Leader

Bob Stein, Team Attorney and Spokesperson

Primary Team Members

Katie Bergstrom, Internal/Governmental Investigations

Tom Johnson, Public Law & Government Representation

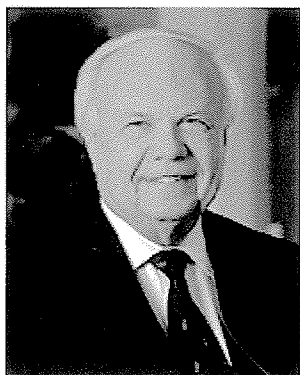
David Lebedoff, Public Law & Government Representation

Bruce Mooty, Business & Governance Matters

Nick Nierengarten, Construction Law

Jay Tucker, Construction Law

Eric Yaffe, Internal/Governmental Investigations



Robert A. Stein
Of Counsel
612.632.3323
robert.stein@gpmlaw.com

Professional Affiliations

American Bar Association, Executive Director & COO, 1994-2006
National Conference of Commissioners on Uniform State Laws, Minnesota
Commissioner
International Bar Association, Assistant Treasurer, Secretary-Treasurer for
Professional and Public Interest Division, 2004-present
The University of Minnesota Alumni Association, Board of Directors, 2000-present
Minnesota Law Review Advisory Board, 2005-2006
Great Northern Iron Ore Properties, Board of Directors, Trustee, 1982-present
Fiduciary Counseling, Inc., Director, Board of Directors, Executive Committee
member, 1994-present

Education

B.S.L., University of Minnesota
J.D., University of Minnesota Law School, *summa cum laude*
L.L.D., Uppsala University in Sweden, (Honoris Causa)

Biography

Bob serves as Of Counsel at GPM and focuses his practice on estate planning and other areas. He is a nationally recognized authority in the areas of estate planning, trusts, and decedents' estates.

Relevant Experience

Previously, Bob was the Executive Director and Chief Operating Officer of the American Bar Association (ABA), where he was responsible for the management of the world's largest voluntary professional association with more than 400,000 members, a 900 person staff and annual budgets of more than \$180 million at the ABA's headquarters in Chicago and its Washington, D.C., office.

Prior to assuming his position at the ABA, Robert was Dean of the University of Minnesota Law School and was the first William S. Pattee Professor of Law. From 1977-1980, he served as the University of Minnesota Vice President for Administration and Planning. He was the University's representative to the NCAA, the Big Ten, and the WCHA from 1981-1993, and subsequently he has served on the NCAA's Division I Infractions Appeals Committee. Currently serving as an Everett Fraser Professor of Law at the University of Minnesota Law School, he teaches estate planning, as well as a unique course on the remarkable work American lawyers have done to bring the rule of law to struggling new democracies throughout the world. In addition, he teaches a course to undergraduate students about the great cases that have shaped and shocked our nation over the past 200 years.

Bob is an academic fellow of the American College of Trust and Estate Counsel, a Fellow of the American College of Tax Counsel, and an academician in International Academy of Estate and Trust Counsel.

Bob holds leadership positions in numerous organizations. Since 1973, he has served as a Commissioner from Minnesota on the National Conference of Commissioners on Uniform State Laws, as appointed by the Minnesota Governor, Attorney General and Chief Justice. He is a member of the Executive Committee of the National Conference. He is a member of the council, member of the executive committee, and advisor to several Restatements of the American Law Institute. He is Vice Chair of the Professional and Public Interest Division of the London-based International Bar Association. He is the immediate Past President of the University of Minnesota Alumni Association and currently serves on its Board of Directors. From 2005-2006 he served on the Minnesota Law Review Advisory Board. In addition, he currently serves on the Board of Directors for several companies, including Great Northern Iron Ore Properties (trustee); Fiduciary Counseling, Inc. (Director, Board of Directors; Executive Committee); and the Educational Credit Management Group (Chair, Board of Directors). He has held myriad other Board appointments, offices and memberships throughout his career.

Bob has received many honors, including the first Lena O. Smith Humanitarian Award for opening employment opportunities for minority lawyers (2002, Minnesota Black Women Lawyers Network); the

Presidents Award (1998, Minnesota State Bar Association); and the Distinguished Service Award (1995, WCHA), just to name a few of his accomplishments.

Publications

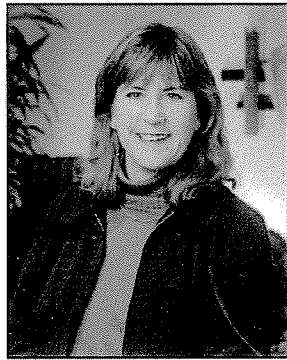
Books

- Minute in remembrance of William B. Lockhart, *Minutes In Remembrance, American Law Institute*, 1976 - 1997 (American Law Institute, 1998)
- Foreword, *Net Law: How Lawyers Use The Internet* (Songline Studios, Inc., 1997)
- *How To Study Law And Take Law Exams In A Nutshell* (Co-authored with Professor Ann M. Burkhardt)(West Publishing Company, 1996)
- *In Pursuit Of Excellence: A History Of The University Of Minnesota Law School* (Mason Publishing Company, 1980)
- *Estate Planning Under The Tax Reform Act Of 1976* (co-authored with Professor A. James Casner) (2d ed.) (West Publishing Company, 1978)
- *Stein On Probate*, 2 vols. (Lexis Nexis, 4th edition, 2004; Michie, 3rd edition, 1996; 2nd edition, 1986; 1st edition, 1976)
- *Stein On Probate*, Annual Supplement 1977-2002
- *The Probate Explosion Of 1985* (co-authored with Judge Melvin J. Peterson, John M. Zangs, Esq. and Steve A. Brand, Esq.) (National Practice Institute, 1985)
- *Administration Of A Minnesota Decedent's Estate*, 1984 (co-authored with Judge Melvin J. Peterson and John M. Zangs, Esq.) (National Practice Institute, 1984)
- *Handling A Minnesota Decedent's Estate* (co-authored with Judge Melvin J. Peterson and John M. Zangs, Esq.) (National Practice Institute, 1982)
- *Probate And Inheritance Tax: 1979* (co-authored with Judge Melvin J. Peterson and John M. Zangs, Esq.) (National Practice Institute, 1979)
- *Probate And Inheritance Tax: 1978* (co-authored with Judge Melvin J. Peterson and John M. Zangs, Esq.) (National Practice Institute, 1978)
- *Estate Administration Under The 1975 Probate Code* (co-authored with Judge Melvin J. Peterson) (National Practice Institute, 1976)
- Associate Editor, *Minnesota Estate Administration* (1968)

Articles

- *Independence of the Judiciary*, The State Bar of South Dakota Newsletter 9 (July 2006)
- *Executive Director's Report*, appeared each month in the AMERICAN BAR ASSOCIATION JOURNAL, January 1996 to August 2006
- *President's Column*, appeared each issue (6) of MINNESOTA magazine, 2005-2006
- *What the Legal Profession Expects of Law Schools: A Response*, 34 IND.L.REV. 15 (2000)
- *Multidisciplinary Practices: Prohibit or Regulate?* 84 MINN.L.REV. 1529 (2000)
- *The Dean of Deans*, 92 MINN. LAW & POLITICS 24 (Jan. 1998)
- *Maynard Pirsig Lives On*, 23 WILLIAM MITCHELL LAW REV 801, (1997)
- *Roger Noreen - Remarkable Friend of Legal Education*, 89 LAW LIBRARY JOURNAL 600 (1997)
- *Probate Reformation: The Impact of the Uniform Laws*, 23 THE PROBATE LAWYER 1 (Summer 1997).L.REV. 6 (June, 1997)

- In Pursuit of Excellence -- A History of the University of Minnesota Law School, Part II: The Vance Years -- A Time of Ascendancy, 62 MINN. L. REV. 857 (1978)
- In Pursuit of Excellence -- A History of the University of Minnesota Law School, Part III: The Fraser Years -- A Time of Excellence and Innovation, 62 MINN. L. REV. 1161 (1978)
- In Pursuit of Excellence -- A History of the University of Minnesota Law School, Part IV: The Pirsig Years -- A Time of Transition, 63 MINN. L. REV. 229 (1979)
- In Pursuit of Excellence -- A History of the University of Minnesota Law School, Part V: The Lockhart Years -- A Time of Achievement and Challenge, 63 MINN. L. REV. 809 (1979)
- In Pursuit of Excellence -- A History of the University of Minnesota Law School, Part VI: The Auerbach Years -- A Time of Building, Controversy and Frustration, 63 MINN. L. REV. 1101 (1979)
- *Probing the Probate Administration Process*, 8 REAL PROPERTY, PROBATE, TRUST LAW SECTION, THE FLORIDA BAR 1, (No. 2 Jan./Feb. 1977)
- Multi-State Probate Administration Study: Journey into the Known and Unknown, 5 PROBATE & PROPERTY No. 1, p. 11 (Spring, 1976)
- Multi-State Probate Administration Study: Journey into the Known and Unknown, 2 PROBATE NOTES No. 2, p. 14 (Winter, 1976)
- To Make The Probate Process As Simple and Inexpensive As Can Be Done, 32 BENCH & BAR OF MINNESOTA 21 (Nov. 1975)
- *Probate Administration Study: Some Emerging Conclusions*, 9 REAL PROPERTY, PROBATE & TRUST JOURNAL 596 (Winter, 1974)
- Probate Administration: Distinguishing Fact From Fiction, 3 PROBATE & PROPERTY No. 1 (Summer, 1974)
- *Profile of Probate Administration in Minnesota*, 30 BENCH AND BAR OF MINNESOTA 5 (January, 1974)
- *New Law School Building -- A Year of Decision*, THE HENNEPIN LAWYER, Vol. 42, No. 2 at 4 (Nov.-Dec. 1973)



Kathryn J. Bergstrom

Principal
612.632.3015
kathryn.bergstrom@
gpmlaw.com

Concentration
Business Litigation

Professional Affiliations & Recognition

Hennepin County Bar Association
Ramsey County Bar Association
American Bar Association, Litigation Group, Member
Recognized as a "Rising Star" in Litigation, December 2000 & 2001 by *Minnesota Law & Politics*

Education

B.A., Liberal Studies, University of Notre Dame, 1987
J. D., University of Minnesota, 1991, *cum laude*

Biography

Katie is a principal at the firm and a Co-Chair of the Business and General Litigation Group. Katie has spent her entire career practicing litigation in a wide variety of subject matters including financial services, health and human services, real estate, construction, covenants not to compete, breach of contract, uniform commercial code, professional licensing, responding to state and federal government investigations, internal and compliance investigations and white collar defense. Katie represents clients in state and federal courts around the country, before state and federal agencies, before state licensing boards, in arbitrations and in all types of alternative dispute resolution processes.

Relevant Experience

- Conducted an internal investigation of allegations in a partially unsealed *qui tam* complaint filed against a client, culminating in a position paper to the United States Department of Justice
- Conducted an internal investigation for a client of an employee's compliance complaint of accounting malfeasance
- Assisted numerous clients in response to civil investigative demands issued by the Minnesota Attorney General's office
- Assisted clients with response to grand jury subpoenas issued by the U.S. Attorneys' office
- Commenced suit on behalf of a bank involved in a very substantial loan participation against the a former lead bank in the participation

Representative Cases

- *Triffin v. Travelers Express Company, Inc.*, 270 N.J.Super. 299, 851 A.2d 667 (N.J. 2004).
- *In the Matter of the Welfare of J.R., Jr. and A.I.R.*, 655 N.W. 2d 1 (Minn. 2003)
- *First State Bank of Floodwood v. Jubie*, 886 F. Supp. 1482 (D. Minn. 1995)
- *In re: Hennepin County 1986 Recycling Bond Litigation*, 517 N.W. 2d 63 (Minn. App. 1994)
- *Oberstar v. F.D.I.C.* 987 F.2d 292 (8th Cir. 1993)

Publications and Presentations

- *E-Discovery for the In-House Lawyer*, Gray Plant Mooty General Counsel Breakfast, 2007

- *Electronic Discovery and Data Management Issues*, Annual Meeting of the South Dakota State Bar Association, 2007
- *Prepaid Cards and State Unclaimed Property Laws*, ABA Franchise Law Journal, Summer 2007
- *Attorney-Client Issues for the In-House Lawyer*, Association of Corporate Counsel, Minnesota Chapter, June 2006
- *Stop It! The Naughty Activities that are Catching the Attention of Federal and State Regulators*, Gray Plant Mooty Health Seminar, 2006
- *E-Gad! Taking the Terror Out of E-Discovery*, Association of Corporate Counsel, Minnesota Chapter, September 2005
- *Are you in Jeopardy?*, Gray Plant Mooty Health Seminar, 2005
- *Litigation: It's Not a Four letter Word*, Association of Corporate Counsel, Minnesota Chapter, September 2004
- *Risky Business: Spotting and Managing Day to Day Legal Exposure*, Gray Plant Mooty Health Seminar, 2004
- *With an Eye on the Enforcement Storm: Federal and State Enforcement Relating to Fraud and Abuse*, Minnesota Health and Housing Alliance, 2002
- *Best Practices to Avoid Litigation or Reduce its Costs*, Gray Plant Mooty General Counsel Breakfast Group, 2000
- *Health Care Fraud and Attorney Client Privilege Issues*, MILE Health Law Institute, 2000

Community Involvement

- Guardian Ad Litem, Ramsey County (1991-2005)
- State Supreme Court Visioning Task Force for Statewide Guardian Ad Litem Program (2002)

**Concentration**

Environmental Law & Land Use Management
Government Relations

Professional Affiliations & Recognition

Minnesota State Bar Association
Hennepin County Bar Association

Education

Undergraduate degree, University of Minnesota, 1967, *with honors*
J.D., University of Minnesota Law School, 1970
LL.M, London School of Economics, 1992, *with distinction*

Thomas L. Johnson

Of Counsel
612.632.3207
thomas.johnson@gpmlaw.com

Biography

Tom is an attorney at Gray Plant Mooty and practices in the areas of Environmental and Land Use law, Government Relations and Public Law and Finance. He represents a wide variety of public and private clients before local, state and federal government. He was the Hennepin County Attorney from 1979-1991. He was also a Council member on the Minneapolis City Council (1973-1977).

He lectures frequently on environmental law and other topics and has published numerous articles for both legal and business audiences. Tom recently provided legal counsel for the environmental review of the new Gopher football stadium and the Twin's baseball stadium. Tom has served on the Board of Directors for numerous state and national organizations and has been the recipient of many awards from organizations such as the Environmental Protection Agency's Environmental Quality Award, the President's Award from the National District Attorney's Association and the Minnesota State Bar Association's Professional Excellence Award.

Community Involvement

- Adjunct Professor, University of St. Thomas Law School
- Council on Crime and Justice, President
- Project Innocence, Board Member
- Bench and Bar Committee, Hennepin County Bar Association (former chair)
- WATCH, Advisory Board Member
- Marcy Holmes Neighborhood Association, Member
- Advisor to numerous political candidates



David M. Lebedoff
Of Counsel
612.632.3214
david.lebedoff@gpmlaw.com

Concentration

Government Relations
Health Law

Professional Affiliations & Recognition

Minnesota State Bar Association
Hennepin County Bar Association

Education

B.A., University of Minnesota, 1960
LL.B., Harvard Law School, 1963

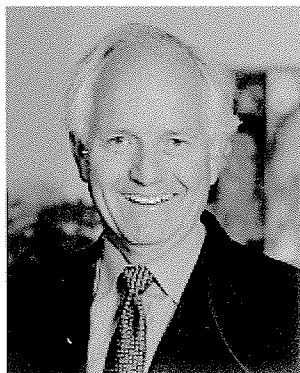
Biography

David serves "Of Counsel" to Gray Plant Mooty practicing in the areas of Business and Administrative law. He has served as Assistant Attorney General for the State of Minnesota and as a Regent of the University of Minnesota from 1977 to 1989, the last two years as chair.

He is experienced as a lead negotiator in major projects involving public-private partnerships, e.g., the agreements in Anoka County and Dakota County with private contractors to construct their waste management facilities.

Community Involvement

- Minnesota Institute of Arts, Life Trustee and Past Chairman
- University of Minnesota Foundation, Board Member Emeritus
- Minneapolis Club, Past Board of Governors
- Blake School, Past Board of Governors
- Council on Crime and Justice, Former Vice Chair



Bruce W. Mooty
Principal
612.632.3333
bruce.mooty@gpmlaw.com

Concentration

Business Law Transactions
Mergers & Acquisitions
Franchise & Distribution

Professional Affiliations & Recognition

American Bar Association, Business Law Section member, Franchising Section member
Minnesota State Bar Association, Business Law Institute, past Chair, Community Relations Committee, past Chair
Hennepin County Bar Association
Named a "Super Lawyer" by *Minnesota Law & Politics*
Named one of Top 10 Mergers and Acquisition Lawyers in Minnesota by *Minnesota Law & Politics*
Named A "Distinguished Alumni" by University of Minnesota Law School

Education

Attended Amherst College and received Bachelor of Arts, *summa cum laude* from the University of Minnesota. Elected Phi Beta Kappa and Phi Kappa Phi.
Received J.D. *with honors* from the University of Minnesota Law School. Student Director University of Minnesota Law School Legal Aid Clinic.

Biography

Bruce is a business lawyer who represents and counsels public and private companies in a wide variety of industries.

For several years, he was the Managing Officer and Chairman of the Board of Directors for Gray Plant Mooty, Mooty and Bennett and currently serves on the firm's Board of Directors.

Relevant Experience

- Represents buyers and sellers in numerous acquisitions, mergers and divestitures in the restaurant, sports, entertainment, transportation, real estate development, computer, water conditioning, musical instrument, retail merchandising, and other industries.
- Represented the buyer in the acquisition of the Minnesota Timberwolves professional basketball team.
- Represented the seller in the sale of the Minnesota Vikings professional football team.
- Represents franchisors in the purchase of multi-state, multi-store franchises.

Publications and Presentations

- MSBA Business Law Institute, Planning Committee & Chair
- Presentation, *Potential Liability Hot Spots*, Minnesota State Bar Association Continuing Legal Education

Community Involvement

- Colonial Church of Edina, Past Senior Deacon, Executive Committee and Council Member
- Edina Foundation, Past President
- Edina School District #273, Chair of two successful School Bond Referenda
- Edina Community Education Board, Past Board Member
- Edina High School Student Activity Advisory Council
- Fund for the Legal Aid Society, Director

- Minikahda Club, Past Secretary and Board Member
- United Way, Volunteer and Cornerstone Member
- University of Minnesota Law School Board of Visitors, Past-President
- University of Minnesota Alumni Association, President-Elect and Board Member



**Nicholas N.
Nierengarten**

Principal
612.632.3040
nicholas.nierengarten@
gpmlaw.com

Concentration

Business & Complex Litigation
Real Estate, Land Use & Environmental Litigation
Risk Management & Insurance Law

Professional Affiliations & Recognition

American Bar Association, Litigation, Tort and Insurance Practice Sections
Co-Chair, ABA Insurance Coverage Litigation Committee – Computer and
Technology Subcommittee
Wisconsin State Bar Association, Litigation Law Committee, Tort and Insurance
Practice Sections
Minnesota State Bar Association
Hennepin County Bar Association
Contact principal, Multilaw, The Multinational Association of Independent Law
Firms

Education

University of Minnesota, BA, 1976. *summa cum laude* & Phi Beta Kappa
University of Minnesota, JD, 1979, *cum laude*

Biography

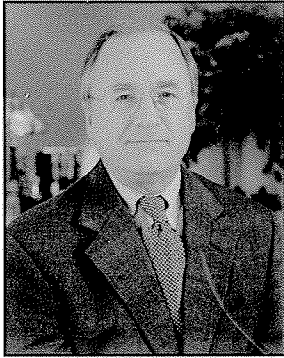
Nick has over 28 years of experience in multi-faceted complex litigation matters, including intellectual property, products liability, insurance coverage, contracts, real estate, toxic tort, and environmental matters. These matters frequently involve intensive discovery, including electronic discovery in a variety of formats and media, forensic preservation and evaluation of data, and electronic document analysis and management. Nick is a member of the GPM's Litigation, Real Estate, and Risk Management and Insurance practice groups and is also a member of the firm's task force on cutting edge litigation support methodologies.

Publications & Presentations

- Managing Risk Post-Katrina: Survive or Thrive (Oct. 18, 2005)
- Pandemic: Be sure your company is on solid legal ground, just in case, *StarTribune* (Dec. 18, 2005)
- A Plan for Wealth Managers to Reduce the Risk of Cyber Threats, *Journal of Wealth Management*, Vol. 9: No. 2 (Winter 2006)

Community Involvement

- Legislative Liaison for Countryside Elementary, Edina, Minnesota

**Concentration**

Real Estate
Construction

Professional Affiliations & Recognition

Minnesota State Bar Association

Education

Undergraduate degree, Carleton College
J.D., University of Minnesota Law School, 1968, *cum laude*

James (Jay) L. Tucker

Principal
612.632.3322
james.tucker@gpmlaw.com

Biography

Jay is a principal at Gray Plant Mooty, and practices in the areas of Real Estate and Construction. Prior to joining Gray Plant Mooty, he worked for 22 years for Opus Corporation, one of the nation's largest development firms.

He served for eleven years as General Counsel and as Senior Vice President. During that time he represented and was the drafting attorney for Opus in respect to the construction, development and sale of such projects as 100 South Fifth and 150 South Fifth, the acquisition of the Ritz Block site, and construction of the 1,400,000 square foot First Bank Place, all in downtown Minneapolis.

Jay has a very broad range of experience in representing clients and continues to represent clients in connection with all aspects of ownership and disposition of commercial real estate.

Community Involvement

- Progress Valley, Inc., Board of Directors



Eric L. Yaffe
Principal
202.295.2222
eric.yaffe@gpmlaw.com

Concentration

Franchise & Distribution
Business & General Litigation
White Collar Crime

Professional Affiliations & Recognition

American Bar Association Forum on Franchising
International Franchise Association
American Bar Association White Collar Crime Section
American Bar Association Section on Litigation
Named "Top Lawyer" in Washington, D.C. by *Washingtonian Magazine*, December 2004

Education

B.A., Oberlin College, 1981
J.D., The University of Chicago, 1986

Biography

Eric is the Managing Officer of the firm's Washington, D.C. office and is Co-Chair of the firm's Business and General Litigation Practice Group. He is also a member of the firm's Franchise and Distribution Practice Group and heads the firm's White Collar Practice Team.

Previously, Eric served for nine years as a federal prosecutor with the United States Department of Justice. From 1999-2000, he served as Deputy Chief of the Campaign Financing Task Force, where he oversaw the investigation and prosecution of numerous individuals accused of campaign finance violations. From 1996-2000, he served in the Public Integrity Section of the Justice Department and from 1991-1996 as an Assistant United States Attorney for the District of Columbia. Eric prosecuted a wide variety of cases ranging from homicides, kidnapping, bribery, extortion, obstruction of justice, false statements, conflicts of interest, and tax offenses, to mail and wire fraud. Eric tried more than 40 cases and handled over 20 appellate matters while with the Department of Justice. He received five U.S. Department of Justice Special Achievement Awards for his work.

Prior to his service with the Department of Justice, Eric practiced civil litigation for five years in Boston, Massachusetts. In private practice, Eric has successfully represented clients in a wide range of civil and criminal matters. On the civil side, he has litigated antitrust, trademark infringement, covenants not to compete, breach of contract, financial fraud, shareholder derivative, false advertising, land use, tort and numerous other matters. In recent years, Eric has focused his civil litigation practice in the representation of franchisors in disputes with franchisees. He has also served as outside franchise counsel on behalf of potential purchasers of large national and international franchise systems. On the criminal side, Eric has represented clients in connection with presidential pardons, campaign finance irregularities, the Foreign Corrupt Practices Act, the Arms Export Control Act, insider trading, conflicts of interest, financial fraud, and Medicare and health care fraud.

Eric is admitted to practice in the U.S. Courts of Appeals for the First, Fourth, Ninth and D.C. Circuits; the U.S. District Courts for Maryland, Massachusetts, and the Eastern District of Michigan; the U.S. Court of Federal Claims; the District of Columbia; and the Commonwealth of Massachusetts. Eric serves as Chair of a Hearing Committee of the District of Columbia Board on Professional Responsibility.

Publications & Presentations

- *Protecting the Franchise System with Restrictive Covenants Against Competition*, International Franchise Association 40th Annual Legal Symposium, Washington, D.C., Co-Author/Co-Presenter, May 2007
- *Nuts and Bolts of Government Investigations*, Law Seminars International Pharmaceutical Antitrust Conference, Washington, D.C., Co-Author/Co-Presenter, April 2007

- *Trial Demonstration*, ABA Health Care Fraud Conference, Ft. Lauderdale, Florida, Presenter, May 2006
- *Franchising in the United States*, 5th Annual Convention on Franchising, Itaparica, Brazil, Presenter, October 2005
- *The Warranty Report: A Survey of Marine-Specific State Warranty Statutes (2004)*, National Marine Manufacturers Association, Co-Author, January 2005
- Supply and Distribution Issues in Franchising, *Franchising World*, June 2004
- *Supply and Distribution Issues*, International Franchise Association 37th Annual Legal Symposium, Washington, D.C., Author and Moderator, May 2004
- White Collar Crime, *The Connection (National Public Radio)*, Guest Speaker, March 2004
- *Criminal Liability and Prosecution Under McCain-Feingold*, Georgetown University, Washington, D.C., Panelist, November 2003
- Utilizing Cross Default Provisions in Franchise Agreements, *The Franchise Lawyer*, Co-Author, Summer 2003
- The Cheney Syndrome, *The Connection (National Public Radio)*, Guest Speaker, January 2002
- *Prosecuting Cases in a Fishbowl*, Council on Government Ethics Laws, Tampa, Florida, Panelist, December 2000

Lemoine (Lee) V. Dickinson, Jr., Ph.D., P.E.
Principal Engineer

Professional Profile

Dr. Lee Dickinson is a Principal Engineer and serves as Director of Exponent's Washington, D.C., area office. He specializes in transportation related issues, particularly accident reconstruction and safety analysis of transportation related products, systems and installations. He has had extensive experience spearheading many investigations of major transportation related accidents and failures, and his current research focuses on urban transport studies, safety analysis of railroad equipment and operations, evaluation of aviation safety and air traffic control, roadway design and its relationship to accidents, reconstruction of accidents involving on-road and off-road vehicles, and analysis of government and social policy issues related to safety and risk. In addition to his transportation-related research, Dr. Dickinson also works in the area of structural analysis and specializes in the evaluation of construction and utility equipment and operations and analysis of civil engineering structures and systems.

Dr. Dickinson is a former member of the National Transportation Safety Board and has held several engineering and research positions before joining Exponent. He also served as a Civil Engineer/Lieutenant in the U.S. Army Corps of Engineers.

Credentials and Professional Honors

Ph.D., Civil Engineering/Transportation Planning/Traffic Engineering, University of Maryland, 1975

M.S., Civil Engineering/Transportation Planning, University of Maryland, 1973

B.S., Civil Engineering, University of Maryland, 1966

Sigma Xi; Phi Kappa Phi

Registered Professional Engineer, Virginia, #6728; Maryland, #8883

Member: National Transportation Safety Board (appointed by President, confirmed by Senate)

Special Assistant to Vice Chairman: National Transportation Safety Board

Special Assistant to the Deputy Secretary: Department of Transportation

Senior Policy Analyst, Office of Technology Assessment: U.S. Congress

Committee on Aircraft Certification: National Academy of Sciences, National Research Council, Washington, DC, 1997

Institute of Transportation Engineers (member); American Society of Civil Engineers (member); Civic Association, Alexandria, VA (past president)

Relevant Experience

Spokesman and Leader: National Transportation Safety Board Investigation of the Avianca Airlines Fuel Exhaustion Accident, Cove Neck, Long Island.

Member: Governor's Board of Inquiry, State of California, investigating the San Francisco/Oakland Bay Bridge and Cypress Freeway Collapse Resulting from the Loma Prieta Earthquake.

Spokesman and Leader: National Transportation Safety Board Investigation of the Amtrak Collision and Derailment, Catlett, Virginia.

Chairman: National Transportation Safety Board Public Hearing on the Grounding of the Tankership Exxon Valdez and Oil Spill, Anchorage, Alaska.

Chairman: National Transportation Safety Board Public Hearing on the United Airlines Cargo Door Accident, Honolulu, Hawaii.

Spokesman and Leader: National Transportation Safety Board Investigation on the United Airlines Cargo Door Accident, Honolulu, Hawaii.

Spokesman and Leader: National Transportation Safety Board Investigation of the Delta Airlines Crash, Dallas, Texas.

Presentations

"History Channel – Modern Marvels: Engineering Disasters," September 28, 2004, Delta Airlines Flight 1141, B-727, Dallas, TX.

History Channel – Modern Marvels: Engineering Disasters," September 7, 2004, EL AL Flight 1862, B-747, Amsterdam, Netherlands.

"The Distracted Driver and the Use of Cellular Telephones While Driving," Advances in Industrial Engineering Theory, Applications and Practice 8, Proceedings of the 8th Annual International Conference, Las Vegas, NV, November 2003.

Press Briefing on Roller Coaster Safety, National Press Club, National Press Building, Washington, DC, January 21, 2003.

"Airport/Aircraft Security," DRI Products Liability Conference, Los Angeles, CA, February 13, 2002.

"Homeland Security," presented to Stihl, Inc., Virginia Beach, VA, January 29, 2002.

"Accident Investigation/Reconstruction," presented to the Alexandria Rotary, Alexandria, VA, April 20, 1999.

"Accident Reconstruction," presented to the Philadelphia Association of Defense Counsel, Philadelphia, PA, October 1998.

"Animation/Demonstrative Evidence," AVCON 1998 Aviation Safety Conference, Gatwick, England, September 1998.

"Accident Response, Investigation and Litigation," American Society of Safety Engineers, Washington, DC, May 13, 1998.

"Automotive Accident Reconstruction," presented to the Zurich Insurance Company, Baltimore, MD, July 1997.

"TWA 800 Accident Reconstruction," presented to the International Association of Defense Counsel (IADC), Southampton, Bermuda, July 1997.

"Light and Medium Duty Truck Trailer Risk Analysis," National Association of Trailer Manufacturers, Las Vegas, NV, February 1996.

"Transportation Surety: Lessons Learned," Transportation Surety Symposium Paving and Transportation Conference, Albuquerque, NM, January 1996.

"Heavy Truck-Trailer Under-Ride Risk Analysis," Truck Trailer Manufacturers Association, Scottsdale, AZ, April 1995.

"Anti-Lock Braking Systems," Truck Trailer Manufacturers Association, Scottsdale, AZ, April 1995.

"Aviation Accident Investigation and Media Relations," The Freedom Forum, Rosslyn, VA, January 1995.

"Aviation Accident Investigation Techniques," Aviation Disaster Management Conference, Washington, DC, October 1994.

"The Grounding of the Tankership Exxon Valdez and Oil Spill," Women's Transportation Seminar, Washington, DC, May 1989.

"CFR--Crash, Fire, Rescue Operations in Aviation Accidents," Texas Airport Operators Conference, Austin, TX, April 1989.

"National Transportation Safety Board," Women of Capitol Hill, Washington, DC, February 1989.

"Aviation Accidents--A Statistical Comparison," Air Transport Group of the American Society of Civil Engineers, Washington, DC, February 1989.

“Weather-Related Aviation Accidents,” 3rd International Conference on the Aviation Weather System, American Meteorological Society, Anaheim, CA, January 1989.

“Crash, Fire, Rescue, and Aviation Accidents,” American Association of Airport Executives, Phoenix, AZ, November 1988.

“Department of Transportation’s Proposed Rules on Drugs and Alcohol,” Women’s Transportation Seminar, Washington, DC, September 1988.

“The Nation’s Infrastructure and Deteriorating Bridges,” National Association of Counties, Anaheim, CA, August 1988.

“Aviation Safety and Deregulation,” American Society of Civil Engineers, Air Transport Group, Orlando, FL, June 1988.

“Human Performance in Transportation Accidents,” Human Factors Society, Potomac Chapter, Washington, DC, May 1988.

Interviews

TV Interview on the Air France Airbus A-340 Flight 358 landing accident for ABC News. August 2, 2005.

Radio and TV Interviews on the Investigation of the Shuttle Columbia Accident, Washington, DC, February 3, 2003.

“American Airlines Flight #587, Accident Investigation,” CNN News; National Public Radio (NPR); Jim Lehrer News Hour, Washington, DC, November 2001.

“Airport Security,” CNN and FOX News, Washington, DC, September 2001.

“Air France Concorde Flight #4590 Accident Investigation,” CNN News; Jim Lehrer News Hour; Canadian Broadcasting Company (CBC), Washington, DC, July/August 2000.

“Alaska Airlines Flight #261 Accident Investigation,” CNN News; Jim Lehrer News Hour; CBC, February 2000.

“Egypt Air Flight #990 Accident Investigation,” CNN News; Jim Lehrer News Hour, Washington, DC, November 1999.

“Burden of Proof, Discussion of J.F.K., Jr., Piper Saratoga II Aircraft Accident and Investigation,” CNN News Show, Washington, DC, July 27, 1999.

“American Airlines Flight #1420, Accident Investigation,” CNN News Interview Washington, DC, June 2–3, 1999.

"Avianca and ATC Procedures," British Television Network movie, Cove Neck, Long Island, New York, May 14, 1999.

"SwissAir MD-11 Accident," CBS, ABC, CNN News Interviews, Washington, DC, September 3, 1998.

Selected Reports

"Ensuring Railroad Tank Car Safety," Special Report 243, Transportation Research Board, National Research Council, Washington, DC, October 1994.

"Competing Against Time," Report to Governor George Deukmejian from the Governor's Board of Inquiry on the 1989 Loma Prieta Earthquake, North Highlands, CA, May 1990.

"Human Error in Aviation Accidents," Strike Aircraft Test Directorate, Patuxent Naval Air Section, Patuxent River, MD, April 1989.



Failure Analysis Associates®

Exponent
149 Commonwealth Drive
Menlo Park, CA 94025

telephone 650-326-9400
facsimile 650-326-8072
www.exponent.com

Brian M. McDonald, Ph.D., S.E.
Principal Engineer

Professional Profile

Dr. Brian McDonald is a Principal Engineer in Exponent's Civil Engineering practice. He leads the Structural Performance Group and specializes in structural analysis and design, material behavior, and construction technology. Much of his work focuses on issues surrounding structural damage assessment and repair methods, and he has been the lead engineer for the evaluation of damaged wood frame, reinforced concrete and steel buildings as well as tunnels, industrial structures, power transmission lines and structures, communication towers, cable-supported and fabric structures, and building envelopes. Dr. McDonald has investigated structures damaged by wind, snow, explosion, fire, construction activities, defects, decay and deterioration, as well as hundreds of structures damaged by the Loma Prieta, Northridge and San Simeon earthquakes. His background also includes nonlinear and dynamic structural analysis; instrumentation and full-scale testing of structures; seismic risk assessment and retrofit; and material failures including fracture and plasticity analyses.

Dr. McDonald has held several positions in the fields of structural engineering and software design, most recently as Chief Analyst at Krawinkler, Luth, and Associates, a leading structural design firm. Dr. McDonald teaches a graduate level course in Finite Element Analysis at Stanford University.

Credentials and Professional Honors

Ph.D., Civil Engineering, University of Wisconsin, Madison, 1988
M.S., Engineering Mechanics, University of Wisconsin, Madison, 1989
M.S., Civil Engineering, University of Wisconsin, Madison, 1984
B.S., Civil Engineering, University of Wisconsin, Madison (with distinction), 1982

Registered Professional Civil Engineer, California, #C47585; Registered Structural Engineer, California, #S4330; Registered Civil and Structural Engineer, Washington, #37689; Registered Structural Engineer, Illinois, #081-006025; Registered Professional Civil Engineer, Wisconsin, #35893-006; New York, #081314; Hawaii, #12310-S; Oklahoma, #22510

American Society of Civil Engineers (member); Structural Engineers Association of Northern California (member, Past Chair of the Research Committee); American Concrete Institute (member); Earthquake Engineering Research Institute (member); awarded 1996 Grand Prize Award from the American Concrete Institute for restoration of a concrete façade of a Philadelphia high-rise; serves on University of Wisconsin Alumni Advisory Board.

Publications

"Big Blue Goes Down. The Miller Park Crane Accident," *Engineering Failure Analysis*, Elsevier, Ltd: Vol. 14, Issue 6, pp. 942–961 September 2007 (with B. Ross and V Saraf).

"Rational Seismic Evaluation and Retrofit of a Multistory RC Shear Wall Structure," 100th Anniversary Earthquake Conference Commemorating the 1906 San Francisco Earthquake, Moscone Center, San Francisco, CA, April 18–22, 2006 (with A. Gupta, B. Alavi, and J. Osteraas).

"Displacement Coefficients for Conventional Residential Wood-frame Structures," 100th Anniversary Earthquake Conference Commemorating the 1906 San Francisco Earthquake, Moscone Center, San Francisco, CA, April 18–22, 2006 (with A. Gupta, J. Osteraas, and M. Griffith).

"Investigation of Structural Damage in a Corrosive Environment", Proceedings, 5th International Conference on Case Histories in Geotechnical Engineering, New York, NY, April 2004 (with J. Meldrum and A. Gupta).

"Review of Safety Factors for Assessing Column Stability in Existing Braced Frame Buildings," Proceedings of the 2004 Structures Congress, The Structural Engineering Institute of the American Society of Civil Engineers, Nashville, TN, May 22–26, 2004 (with G. Luth and J. Osteraas).

"Development of Guidelines For Assessment and Repair of Earthquake Damage in Woodframe Construction," 13th World Conference on Earthquake Engineering, Paper No. 1580, Vancouver, B.C., Canada, August 1–6, 2004 (with J. Osteraas, D. Bonowitz and A. Gupta).

"Big Blue Goes Down: The Miller Park Crane Accident," Proceedings of the 6th International Symposium on Risk, Economy and Safety, Failure Minimization and Analysis, Capetown South Africa, March 8–12, 2004 (with B. Ross and V. Saraf).

"A Spectacular Collapse: The Koror-Babeldaob (Palau) Balanced Cantilever Prestressed Post-Tensioned Bridge," *The Indian Construction Journal*, Vol. 77, No. 3, March 2003 (with V. Saraf and B. Ross).

"A Spectacular Collapse: The Koror-Babeldaob (Palau) Balanced Cantilever Prestressed Post-Tensioned Bridge," Proceedings, 27th Conference on Our World in Concrete and Structures, Vol. XXI, Singapore, pp. 57–68, August 29–30, 2002 (with V. Saraf and B. Ross).

"Forensic Aspects of Earthquake Engineering: Protocols for Earthquake Damage Assessment and Repair," Proceedings, 2nd Forensic Engineering Congress, American Society of Civil Engineers, San Juan, Puerto Rico, May 19–23, 2000 (with J. Osteraas and L. Shusto).

“Forensic Investigations of the Soil-Structure Kind (Wind & Settlement Failures),” Proceedings, 2nd Forensic Engineering Congress, American Society of Civil Engineers, San Juan, Puerto Rico, May 19–23, 2000 (with G. Rau, E. Medley, and J. Meldrum).

“Structural Damage Claims Attributed to Aftershocks,” Proceedings, 2nd Forensic Engineering Congress, American Society of Civil Engineers, San Juan, Puerto Rico, May 19–23, 2000 (with Y. Bozorgnia and J. Osteraas).

“Engineering Involvement in Post-Northridge Damage Assessment and Repair of Wood-Frame Dwellings,” 12th World Conference on Earthquake Engineering, New Zealand Society of Earthquake Engineering, Auckland, New Zealand, February 2000 (with J. Osteraas and L. Shusto).

“Earthquake Failures of Welded Building Connections,” Proceedings, 6th Pan American Congress of Applied Mechanics and 8th International Conference on Dynamic Problems in Mechanics, Rio de Janeiro, Brazil, January 4–8, 1999 (with P.D. Moncarz and R.D. Caligiuri).

“Ultimate Moment Capacity of Many Steel Connections: Failure in Design, Materials or Workmanship?” EUROMAT '98 Conference on Materials in Oceanic Environment, Lisbon, Portugal, July 22–24, 1998 (with P.D. Moncarz, R.D. Caligiuri, R.A. Sire and W.P. Borduin).

“Ductile Initiation of Cleavage Fractures in Welded Moment Frame Connections,” 12th Engineering Mechanics Conference, American Society of Civil Engineers, La Jolla, CA, May 17–20, 1998 (with R.A. Sire and R.D. Caligiuri).

“Failures in Steel Frame Building Connections—A Multi-Billion Dollar Example of Professional Wishful Thinking,” 8th Annual International Federation for Information Processing (IFIP) Working Conference on Reliability and Optimization of Structural Systems, Krakow, Poland, May 11–13, 1998 (with P.D. Moncarz, R.D. Caligiuri, and R.A. Sire).

“Qualitative Formulation of Load Paths Through a Functional Description of Structures,” Proceedings, 5th International Conference on Computing in Civil and Building Engineering, Anaheim, CA, 1993 (with D. Jain and G.P. Luth).

“The Effects of Natural Aging on a Polymer Modified Glass Fiber Reinforced Concrete,” Proceedings, 8th Biennial Congress of the Glassfibre Reinforced Cement Association, Maastricht, Netherlands, October 1991 (with M. Burke and P. D. Moncarz).

“Generalized Sag-Tension Calculations Valid for Any Line Geometry,” *Journal of the Structural Division, American Society of Civil Engineers*, Vol. 116, No. 9, 1990 (with A. Peyrot).

“Analysis of Cable Suspended in Sheaves,” *Journal of the Structural Division, American Society of Civil Engineers*, Vol. 114, No. 3, 1988 (with A. Peyrot).

"Analysis of Cables Suspended by Sheaves," Ph.D. Dissertation, University of Wisconsin, Madison, 1988.

"The Dynamic Loading Due to Stadium Crowds; A Statistical Measure of the Coherency of Crowd Movements," Master's Thesis, University of Wisconsin, Madison, WI, 1984.

"Correlating Torsional Response to Engine Performance Parameters," Presentation, International Off-Highway and Power Plant Congress and Exposition, Society of Automotive Engineering, Milwaukee, Wisconsin, September 1993 (with P. Johnston and L. Shusto).

"Reliability Based Design of *Transmission Line Structures*—Theoretical User's Manual for Descal, Reliability Analysis and Design of Transmission Line Structures," EPRI Report for Project 1352-2, January 1986 (with A.H. Peyrot and H.J. Dagher).

"Loads Due to Human Movement," In: *Structural Safety Studies*, J.T.P. Yao, R. Corotis, C.B. Brown, and F. Moses (eds.), American Society of Civil Engineers, New York, NY, 1985.

"Microcomputer-Aided Structural Analysis," In: *Computer-Aided Processes in Instruction and Research*, G. Beakley and C. Haden, (eds.), Academic Press Inc., Orlando, FL, 1985.

John D. Osteraas, Ph.D., P.E.
Group Vice President and Principal Engineer

Professional Profile

Dr. John Osteraas is a Group Vice President of Exponent Failure Analysis Associates and a Principal Engineer specializing in the performance of buildings under extreme loads, including earthquake, explosion, wind, flood, landslide, high-energy impact, and construction failures. His research has focused on performance of structures under seismic loading and full-scale instrumentation and testing of structures under dynamic loading. Dr. Osteraas' expertise in structural and earthquake engineering includes structural safety and damage assessment; structural analysis; soil-structure interaction; seismic site response assessment; and analysis and design of wood, steel, concrete, masonry, and composite systems. His geotechnical engineering expertise extends to foundation and retaining structure analysis and design, slope stability analysis, and analysis of soil-structure interaction. Drawing upon his construction experience, he addresses problems of construction failure analysis; design and construction codes and standards; properties, performance, response, and deterioration of construction materials; and repair methodology.

Dr. Osteraas also volunteers as a Structures Specialist with FEMA's Urban Search and Rescue program and has been deployed to New Orleans in 2005, the World Trade Center in 2001, and Oklahoma City in 1995 to assist with search and rescue activities. He was a founding Board Member and Corporate Secretary for Krawinkler Luth and Associates, Inc., a structural design firm, and has held research and consulting positions with the John A. Blume Earthquake Engineering Center at Stanford University, the Counter Quake Corporation, Structural Research Inc., Engineering Research Inc., Marshall Erdman and Associates, and Fel-Pro Energy Systems.

Credentials and Professional Honors

Ph.D., Civil Engineering, Stanford University, 1990

M.S., Civil Engineering: Structural Engineering, Stanford University, 1977

B.S., Civil and Environmental Engineering, University of Wisconsin, Madison, 1976

Registered Professional Engineer, California (Civil) #35844, Wisconsin #19023, Utah #93-190526-2202, Arizona #CE 012603, Oregon #71158PE, Illinois #62-056070, New York #080356, Mississippi #16955, Louisiana #31972, Registered Professional Engineer (Structural), #901799, District of Columbia; Structural Engineering Certification Board #1577-0705, National Council of Examiners for Engineers and Surveyors #11393; Licensed General Contractor, California #B-628753; Safety Assessment Evaluator, California Office of Emergency Services #SAP10006

Distinguished Service Citation, University of Wisconsin – Madison; Chi Epsilon Chapter Honor Member, University of Wisconsin – Madison; Commendation for service following the September 11, 2001 terrorist attack on the United States, Governor's Office of Emergency Services, State of California; Commendation for outstanding service to the Urban Search & Rescue Response System during the Oklahoma City 6th Street bombing incident, April 19, 1995, Governor's Office of Emergency Services, State of California; Outstanding Paper of 1992, American Society of Civil Engineers, Technical Council on Forensic Engineering, *Journal of Performance of Constructed Facilities*; 1989 Student Paper Award, Earthquake Engineering Research Institute; ARCS Foundation Scholar, Stanford University; Certificate of Recognition, National Aeronautics and Space Administration; Senior High Honors, University of Wisconsin

American Society of Civil Engineers (Fellow; editorial board member *Journal of Performance of Constructed Facilities*); Structural Engineers Association of Northern California (member); Earthquake Engineering Research Institute (member); EERI Northern California Chapter (member and board member); Rescue Engineering Council (member); International Code Council (professional member)

Publications

“Murrah Building Bombing Revisited: A Qualitative Assessment of Blast Damage and Collapse Patterns,” *Journal of Performance of Constructed Facilities*, American Society of Civil Engineers, Vol. 20, No. 4, November 2006.

“Displacement Coefficients for Conventional Residential Wood-frame Structures,” Proceedings of the 8th U.S. National Conference on Earthquake Engineering, San Francisco, CA, April 18–22, 2006 (with A. Gupta, B. McDonald, and M. Griffith).

“Rational Seismic Evaluation and Retrofit Design of a Multistory RC Shear Wall Structure,” Proceedings of the 8th U.S. National Conference on Earthquake Engineering, San Francisco, CA, April 18–22, 2006 (with A. Gupta, B. McDonald, and B. Alavi).

“Development of Guidelines for Assessment and Repair of Earthquake Damage in Woodframe Construction,” 13th World Conference on Earthquake Engineering, Vancouver, B.C., Canada, August 1-6, 2004, Paper No. 1580 (with D. Bonowitz, A. Gupta, and B. McDonald).

“Improved Post-Earthquake Portfolio Loss Estimation,” 13th World Conference on Earthquake Engineering, Vancouver, B.C., Canada, August 1-6, 2004, Paper No. 1580 (with A. Gupta).

“Cyclic Performance and Damage Assessment of Stucco and Gypsum Sheathed Walls,” 13th World Conference on Earthquake Engineering, Vancouver, B.C., Canada, August 1–6, 2004, Paper No. 1580 (with A. Arnold and C.M. Uang).

“Review of Safety Factors for Assessing Column Stability in Existing Braced Frame Buildings by Brian McDonald,” Proceedings Of The 2004 Structures Congress, The Structural

Engineering Institute of the American Society of Civil Engineers, Nashville, TN, May 22-26, 2004 (with B. McDonald and G. Luth).

General Guidelines for the Assessment and Repair of Earthquake Damage in Residential Woodframe Buildings, Consortium of Universities for Research in Earthquake Engineering, CUREE Publication No. EDA-02, www.curee.org, January 2004, (project manager and editor).

“Earthquake Damage Assessment and Repair Protocols,” *Forensic Engineering: Proceedings of the Second Congress*, May 21–23, 2000, San Juan, Puerto Rico, American Society of Civil Engineers, pp. 209–218 (with L. Shusto and B. McDonald).

“Structural Damage Claims Attributed to Aftershocks,” *Forensic Engineering: Proceedings of the Second Congress*, May 21–23, 2000, San Juan, Puerto Rico, American Society of Civil Engineers, pp. 123–131 (with B. McDonald and Y. Bozorgnia).

“Engineering Involvement in Post-Northridge Damage Assessment and Repair of Wood-Frame Dwellings,” 12th World Conference on Earthquake Engineering, Auckland, New Zealand, January 30 – February 4, 2000, paper number 2593 (with L. Shusto and B. McDonald).

Preliminary Analysis of Casualties Resulting From the Oklahoma City Bombing, Failure Analysis Associates Report No. FaAA-SF-R-96-12-20, Project No. SF23049, prepared for: The Blast Injuries Study Group, Oklahoma State Department of Health, Oklahoma City, OK, December 1996 (with E.E. Hinman and M.E. Durkin).

“Multimedia in Dispute Resolution,” *The Construction Specifier*, Vol. 49, No. 1 pp. 20–25, January 1996 (with R. Barrett, et. al.).

“Northridge Earthquake of January 17, 1994 Reconnaissance Report,” Vol. 2 Supplement C to Volume 11, *Earthquake Spectra*, Earthquake Engineering Research Institute, Oakland, CA, January 1996 (contributor).

Japan-The Great Hanshin Earthquake, Risk Management Solutions, Inc., and Failure Analysis Associates, Inc., January 17, 1995 (editorial committee).

“Catastrophic Collapse of a Tower Crane Due to Sequential Failure of Truss Members,” Third International Symposium on Structural Crashworthiness and Failure, University of Liverpool, U.K., April 14–16, 1993 (with B. Ross, P. Johnston, and R. Barrett).

“Analysis of Stability of L’Ambiance Plaza Lift-Slab Towers,” *Journal of Performance Constructed Facilities*, American Society of Civil Engineers, Vol. 6, No. 4, November 1992 (with P. Moncarz, B. Lahnert, and R. Hooley).

“Seismic Design Based on Strength and Ductility Demands,” *Proceedings of the Tenth World Conference on Earthquake Engineering*, Madrid, Spain, Vol. 10, pp. 5861–5866, July 19–24, 1992 (with H. Krawinkler and A. Nassar).

"Ductility and Strength Demands for Seismic Design," Proceedings of the American Society of Civil Engineers Structures Congress," pp. 211–219, Indianapolis, IN, April 29–May 1, 1991 (with H. Krawinkler and A. Nassar).

"The Loma Prieta Earthquake - A Pictorial Essay with Engineering Comment," The Second Pan American Congress of Applied Mechanics, Valparasio, Chile, January 1991 (with P. Moncarz and B. Ross).

"Strength and Ductility Considerations in Seismic Design," Ph.D. Dissertation, Stanford University, June 1990; also John A. Blume Earthquake Engineering Center Report No. 90, Department of Civil Engineering, Stanford University, August 1990.

"The Mexico Earthquake of September 19, 1985 -- Behavior of Steel Buildings," *Earthquake Spectra*, Earthquake Engineering Research Institute, Vol. 5, No. 1, pp. 51–88, El Cerrito, CA, February 1989; also *Costruzioni Metalliche*, Part 1, Vol. XLII, No. 2, March/April, Part 2, Vol. XLII, No. 3 May/June 1990 (with H. Krawinkler).

"Seismic Design Based on Strength of Structures," Proceedings of the Fourth U.S. National Conference on Earthquake Engineering, Palm Springs, CA, Vol. 2, pp. 955–96; Earthquake Engineering Research Institute, El Cerrito, CA, May 1990 (with H. Krawinkler).

"Quality of Constructed Facilities: Definition of Safety, Serviceability and Economy in Engineering Decisions," Proceedings, 33rd Meeting of the International Committee on Industrial Chimneys (CICIND), Barcelona, Spain, April 19–20, 1990 (with P. Moncarz and J. Thomas).

"Pino Suarez -- Implications for Modern Steel Structures," Earthquake Engineering Research Institute Annual Meeting, San Francisco, CA, February 9, 1989 (with H. Krawinkler).

"Steel Building Design," Seminar on Evolving Earthquake Hazard Mitigation Practices, 1998 Annual Meeting, Earthquake Engineering Research Institute, Mesa, AZ, February 4, 1988 (with H. Krawinkler).

"Designing for Maintainability," *Civil Engineering*, June 1986 (with P.D. Moncarz and J.M. Wolf).

"Impact of Design/Construction/Maintenance Practices on Structural Deterioration," Proceedings, Structural Division of the American Society of Civil Engineers Convention 1985, Seattle, WA, April 1986 (with P.D. Moncarz and J.M. Wolf).

Earth Sheltered Housing, G. Klodt, Reston Publishing Co., 1985 (contributor).

"Modeling of Reinforced Concrete Containment Structures," Proceedings, Design of Concrete Structures The Use of Model Analysis, Joint Institution of Structural Engineers/B.R.E. Seminar Elsevier Applied Science Publishers, London, England, November 1984 (with P.D. Moncarz and A.M. Curzon).

“Major Considerations in Scale Modeling of Reinforced Concrete Containment Structures,” American Society of Civil Engineers Conference on Structural Engineering in Nuclear Facilities, Raleigh, NC, September 10–12, 1984.

“Structural Aspects of Leakage in Reinforced Concrete Containments- Experimental Approach,” Proceedings, 2nd Workshop on Containment Integrity, Sandia National Laboratories, June 1984 (with P.D. Moncarz).

A Review of Fracture Mechanics Life Technology, National Aeronautics and Space Administration Report, NAS 8-34746, September 1983 (contributor).

“Application of Cable Elements Concept to a Transmission Line with Cross Rope Suspension Structures,” Institute of Electrical and Electronics Engineers, Transaction on Power Apparatus and Systems, July 1981 (with A.H. Peyrot, J.W. Lee, and H.G. Jensen).

Research Considerations for the Transmission Line Mechanical Research Facility, Electric Power Research Institute Report, EPRI TPS 80-719, 1980 (with J.W. Lee, A.H. Peyrot, and R.M. Dupuis).

“Loads on Wood-Frame Structures- A Literature Review,” U.S. Forest Products Laboratory Internal Report, 1976.

“Structural Potential of a Douglas-Fir Veneered Urea-Bonded Extruded Particleboard (‘Plyboard’),” U.S. Forest Products Laboratory Internal Report, 1974.

Presentations

“Designing for Failure – Lessons for California (?) Courtesy of Katrina,” Structural Engineers of Northern California, Mountain View, CA, October 12, 2006.

“Evaluation and Repair of Earthquake Damage in Woodframe Buildings,” 8th U.S. National Conference on Earthquake Engineering, San Francisco, CA, April 18–22, 2006.

“Post-Earthquake Building Assessment,” 8th U.S. National Conference on Earthquake Engineering, San Francisco, CA, April 18–22, 2006.

“Earthquake Damage Assessment and Repair,” PLRB/LIRB Claims Conference & Insurance Services Expo, Nashville TN, April 4, 2006.

“Overview of Earthquake Effects,” IEEE Disaster Recovery Workshop, San Francisco CA, March 30, 2006

“The View from Ground Zero – Rescue, Recovery, and Reconstruction at the World Trade Center,” Stanford University, November 10, 2005, MIT Club of Northern California, Menlo Park, CA, November 9, 2005.

“CUREE Earthquake Damage Assessment Project Update,” CEA Claims Liaison Meeting, Sacramento, October 13, 2005.

“Urban Search and Rescue in the United States,” International Diplomacy Council, Natural Disaster Response Group, San Francisco, June 20, 2005.

“Earthquake Damage Assessment and Repair,” PLRB/LIRB Claims Conference & Insurance Services Expo, San Antonio, April 19, 2005.

“Pino Suárez Collapse After 20 Years – What Have We (Not) Learned?” Earthquake Engineering Research Institute 2005 Annual Meeting, Ixtapa, Mexico, February 5, 2005.

“The Rescue Engineer’s New Reality – Recent Changes and Deployments in the FEMA US&R Response System,” Structural Engineers of Northern California, San Francisco, CA, December 12, 2004 (with D.J. Hammond)

“Engineering Damage Assessment and Repair for Residential Construction,” Pacific Earthquake Engineering Research Center (PEER) Earthquake Engineering Scholars’ Course, University of California – Los Angeles, November 6, 2004.

“Development of Guidelines for Assessment and Repair of Earthquake Damage in Woodframe Construction,” 13th World Conference on Earthquake Engineering, Vancouver, B.C., Canada, August 3, 2004

“Cyclic Behavior and Repair of Woodframe Walls with Finish Materials,” 13th World Conference on Earthquake Engineering, Vancouver, B.C., Canada, August 2, 2004 (with A.E. Arnold).

“Rescue Engineering Response to 9/11,” Stanford University, Department of Civil Engineering, April 22, 2002, May 5, 2003, May 3, 2004.

“Earthquakes and the Damage They Cause,” 2004 PCS Catastrophe Conference – Challenges from Coast to Coast, Hilton Long Beach Hotel, Long Beach CA, April 26, 2004.

“Earthquakes I: Engineering Assistance with Post-Earthquake Damage Assessment,” PLRB/LIRB Claims Conference & Insurance Services Expo, Hyatt Regency, Chicago IL, March 16, 2004.

“CUREE-CEA Woodframe Project,” EERI Southern California Chapter, University of Southern California, Los Angeles CA, November 19, 2003.

“Catastrophe Response: Lessons from Northridge,” LHB Pacific Law Partners Fall Symposium, Pan Pacific Hotel, San Francisco CA, October 23, 2003.

“ATC-20 Procedures for Post-Earthquake Safety Evaluations of Buildings,” Feature Speaker, Structural Engineers Association of Northern California Disaster Emergency Services Committee Safety Assessment Workshop, U.C. Berkeley, CA, March 20, 1999; The Presidio, San Francisco CA, May 3, 2001; Santa Clara University, October 5, 2002; Exponent, Menlo Park, August 12, 2003.

“The View from Ground Zero – Rescue and Recovery at the World Trade Center,” Federation of Defense and Corporate Counsel, Quebec Canada, August 1, 2003.

“Pathology and Lessons of the World Trade Center Disaster,” San Francisco Public Utilities Commission Noon Seminar, San Francisco CA, September 11, 2002

“Why Buildings Collapse: From Natural Disasters to Terrorist Attacks,” Tempo – Madison, Madison WI, July 9, 2002.

“Urban Search and Rescue Response to 9/11,” Western Construction Consultants Association, Alameda CA, April 17, 2002.

“Urban Search and Rescue: New York City / Oklahoma City,” Structural Engineers Association of Northern California Special Seminar: *Synopsis of the September 11, 2001 World Trade Center Attack and Recovery*, San Francisco CA, January 31, 2002.

“Measure Twice, Cut Once: Lessons from Failures Large & Small,” National Council of Structural Engineers Associations, Structural Engineering Winter Institute, Phoenix AZ, January 21, 2002.

“Urban Search and Rescue: New York City / Oklahoma City,” San Francisco Fire Department and Structural Engineers Association of Northern California, *Structural Integrity of High-Rise Buildings*, San Francisco CA, November 28, 2001.

“Assessment and Repair of Earthquake Damage in Residential Buildings,” California Earthquake Authority Seminar, Sacramento CA, October 30, 2001; Costa Mesa CA, November 15, 2001.

“Seismic Building Codes,” Stanford University, Department of Geophysics, Stanford CA, November 2, 2000; November 1, 2001.

“Structural Pathology of the Murrah Building Bombing,” California Institute of Technology Department of Civil Engineering, Pasadena CA, February 22, 2001; Stanford University, Department of Civil Engineering, Stanford CA, May 7, 2001.

“Reducing Failures Through Computer Graphics – A Demonstration,” Civil Engineering Research Foundation, Washington D.C., April 25, 2001.

“Working with Experts – One Expert’s Perspective,” National Asian Pacific American Bar Association Twelfth Annual Convention, Washington DC October 13, 2000.

“Oklahoma City Bombing – The Limits of Engineering,” Stanford University, Department of Civil Engineering, May 18, 1998 and April 24, 2000.

“The Oklahoma City Bombing – Pushing The Limits of Engineering,” Structural Engineers Association of Arizona, Phoenix, AZ, May 18, 1999.

“Decay and Death in San Francisco – Consulting in the Criminal Arena,” *Lessons Learned in Forensic Engineering*, Fourth Annual Seminar on Issues in Forensic Engineering, ASCE Forensic Engineering Technical Group, Los Angeles Section, U.C. Irvine, CA, May 7, 1999.

“Multimedia in Construction Dispute Resolution,” *The Nuts and Bolts of Nuts and Bolts*, Association of Defense Counsel of Northern California Seminar, San Jose, CA, April 23, 1999.

“Performance of Structures under Extreme Loads,” Stanford University, Department of Civil Engineering, May 26, 1997.

“Lesser Known Collateral Seismic Hazards,” Seismic Hazard Analysis Short Course, Association of Engineering Geologists, Menlo Park, CA, May 3, 1997.

“Structural Failures: Four Case Studies,” Stanford University, Department of Aeronautics and Astrophysics, May 20, 1996.

“Structural Safety and Damage Assessment,” Stanford University, Department of Civil Engineering, May 8, 1995 and May 6, 1996.

“Shake, Rattle, and Roll - What You Need to Know About the Big One,” Thirty-First All-Industry Insurance Conference, Risk and Insurance Management Society, Washington Chapter, Seattle, WA, March 12, 1996.

“The Great Hanshin Earthquake,” Uninterruptible Uptime Users Group (UUUG), Fall Conference, San Diego, CA, November 15–17, 1995.

“Observations of Kobe and Mexico with Implications for California,” American Concrete Institute, Northern California & Western Nevada Chapter Meeting, Oakland, CA, November 14, 1995.

“Oklahoma City Murrah Building Structural Lessons,” 24th Annual ASCE Structural Design Conference, Ames, IA, November 13, 1995.

“Earthquake Update,” Claims Conference of Northern CA, Sacramento, CA, October 5–6, 1995.

"The Great Hanshin Earthquake," American Petroleum Institute Crisis Management Seminar, Houston, TX, September 25-27, 1995.

"Earthquake Engineering: Reality Meets Insurance Company Expectations," International Institute of Loss Adjusters, Inc., Annual Convention, San Rafael, CA, September 24-29, 1995.

"The Kobe, Japan Earthquake - A Preview of a Future California Temblor?" Risk Insurance Management Society, Santa Clara Valley Chapter Meeting, May 11, 1995.

"Kobe Event Report," Disaster Recovery Journal's Sixth Annual Corporate Contingency Planning Seminar and Exhibition, San Diego, CA, March 27-29, 1995.

"Japan's Great Hanshin Earthquake Event Report," Business Recovery Managers Association Meeting (BRMA), San Ramon, CA, March 23, 1995.

"Case Studies in Failure Analysis," Stanford University, Department of Civil Engineering, February 15, 1995 (with P. Johnston).

"Northridge: Earthquake Engineering Theory Meets Earthquake Insurance Reality," Loss Executives Association Mid-Winter Meeting, Tampa, FL, January 26-27, 1995.

"The Great Hanshin Earthquake Event Report," Loss Executives Association Mid-Winter Meeting, Tampa, FL, January 26-27, 1995.

"Failures in the Design and Construction Process," Stanford University, Department of Aeronautics and Astrophysics, May 22, 1995, May 9, 1994.

1994 Property Claim Services Catastrophe Conference: *Preparing for the California Earthquake*, San Francisco, CA, April 18-20, 1994.

"Regulatory Ordinances: The Role of Codes and Standards, Their Evolution and Mechanisms for Correct Implementation," Stanford University, Department of Civil Engineering, May 2, 1994, May 3, 1993, April 27, 1992, April 29, 1991.

"Technical Aspects of Earthquakes," International Institute of Loss Adjusters, Inc., Singapore, October 23, 1992 (via video tape).

"Technical and Historical Aspects of Earthquakes," *Earthquake*, A Continuing Education Seminar, The Property Claims Association of the Pacific, May 6, 1992; also Mt. Diablo Property Association, Pleasant Hill, CA, June 10, 1992.

"Construction Failure Retrospective," Allianz Insurance Company, San Francisco, CA, July 17, 1991.

"Civil PE Review: Timber Design and Seismic Design," Professional Engineering Institute, January 30 and February 6, 1991.

“The Eastern U.S. Seismic Hazard,” Fifty-Ninth Annual Meeting, Loss Executives Association, Whitehaven, PA, June 13–15, 1990.

“The Role of Codes and Standards in Failure Prevention,” Stanford University, Department of Civil Engineering, May 7, 1990.

“Predicting Seismic Performance of Buildings,” Allianz Insurance Company, Los Angeles, CA, December 6, 1989.

“The Magnitude and Intensities of Earthquakes,” Mt. Diablo Property Association, Pleasant Hill, CA, July 12, 1989.

“Geotechnical Engineering for Structural Engineers,” Stanford University, Department of Civil Engineering, April 17, 1989.

“Geotechnical Causes of Structural Failures,” Stanford University, Department of Civil Engineering, April 25, 1988.

“Implications of Recent Structural Failures,” University of California, Berkeley, Department of Architecture, April 19, 1988.

“Learning from Structural Failures,” University of California, Berkeley, Department of Architecture, May 5, 1987.

“Performance Evaluation of Steel Structures in Mexico City,” Blume Center Affiliates Meeting, April 24, 1987.

Review committee member for “Naked City,” American Iron and Steel Institute Hands on Steel Project, University of California, Berkeley, Department of Architecture, October 29, 1982.

Vijay K. Saraf, Ph.D., P.E.
Senior Managing Engineer

Professional Profile

Dr. Vijay K. Saraf is a Senior Managing Engineer in Exponent's Civil Engineering practice. He specializes in structural failure analysis, design, damage assessment and repair design of wood, steel, concrete and composite structures; and blast and impact loading on structures. Dr. Saraf's expertise in structural engineering also extends to structural evaluation of bridges, pipelines and other buried structures, storage tanks and silos, shoring systems, cranes and mechanical equipment, marine structures, and nonlinear and dynamic finite element analysis of structures under extreme loadings such as blast, wind and earthquake. He has performed extensive research focused on reliability-based risk analysis, development of LRFD-based design codes, and nondestructive field evaluation of bridges and other structures.

Prior to joining Exponent, Dr. Saraf held several research positions at the University of Michigan in Ann Arbor, the University of Cincinnati, and the Indian Institute of Technology in Kanpur.

Credentials and Professional Honors

Ph.D., Civil Engineering, University of Michigan, Ann Arbor, 1997
M.S., Civil Engineering, University of Cincinnati, Ohio, 1994
B.Tech., Civil Engineering, Indian Institute of Technology, Kanpur, India, 1992

Rackham Pre-Doctoral Fellow, University of Michigan, Ann Arbor (1996-1997)

Registered Professional Civil Engineer, California, #C61004

American Society of Civil Engineers (member); American Concrete Institute (member);
Structural Engineers Association of Northern California (associate member); SEAONC
Building Code Committee (member); ASCE Committee on Safety of Buildings (member);
ASCE Committee on Safety of Bridges (member)

Publications

“Big Blue Goes Down. The Miller Park Crane Accident,” *Engineering Failure Analysis*, Vol. 14, Issue 6, September 2007 (with B. McDonald and B. Ross).

“Big Blue Goes Down: The Miller Park Crane Accident,” Proceedings of the 6th International Symposium on Risk, Economy and Safety, Failure Minimization and Analysis, Capetown South Africa, March 8–12, 2004 (with B. Ross and B. McDonald).

“A Spectacular Collapse: The Koror-Babeldaob (Palau) Balanced Cantilever Prestressed Post-Tensioned Bridge,” *The Indian Construction Journal*, Vol. 77, No. 3, March 2003 (with B. McDonald and B. Ross).

“Response of Slab Bridges Before, During, and After Repair,” *Journal of Bridge Engineering*, ASCE, Vol. 7, No. 5, pp. 267–275, September 2002 (with B. Shahrooz, B. Godbole and R. Miller).

“A Spectacular Collapse: The Koror-Babeldaob (Palau) Balanced Cantilever Prestressed Post-Tensioned Bridge,” Proceedings, 27th Conference on Our World in Concrete and Structures, Vol. XXI, pp. 57–68, Singapore, August 29–30 2002 (with B. McDonald and B. Ross).

“Bhuj, India Earthquake of January 26, 2001, Reconnaissance Report—Chapter 19: Roads and Bridges,” Supplement A to Volume 18, *Earthquake Spectra*, July 2002.

“Prestressing Wire Failures in Prestressed Concrete Pipeline,” Proceedings, Awarie Budowlane, 20th Engineering Conference on Construction Failures, Szczecin-Miedzyzdroje, Poland, May 22–26 2001, (in Polish) (with L. Eiselstein and P. Moncarz).

“Proof Load Testing of Deteriorated Steel Girder Bridges,” *Journal of Bridge Engineering*, ASCE, Vol. 3, No. 2, pp. 82–89, May 1998 (with A.S. Nowak).

“Evaluation of Existing RC Slab Bridges,” *Journal of Performance of Constructed Facilities*, ASCE, Vol. 12, No. 1, pp. 20–24, February 1998.

“Evaluation of Bridges by Field Testing,” 13th U.S.-Japan Bridge Engineering Workshop, Tsukuba, Japan, pp. 305–319, October 1997 (with A.S. Nowak and S. Kim).

“Field Evaluation of a Steel Girder Bridge,” *Transportation Research Record*, No. 1594, pp. 140–146, 1997 (with A.S. Nowak).

“Reliability-Based Criteria for Proof Load Testing of Bridges,” Ph.D. Dissertation, Department of Civil and Environmental Engineering, University of Michigan, Ann Arbor, MI, August 1997.

“Diagnostic and Proof Load Testing for Bridge Evaluation,” Proceedings, Conference on Structural Faults and Repair, Edinburgh, UK, Vol. 1, pp. 571–580, July 1997 (with S. Kim and A.S. Nowak).

"Field Evaluation of Existing Bridges," Proceedings, US-Canada-Europe Workshop on Bridge Engineering, Zurich, Switzerland, July 1997 (with S. Kim and A.S. Nowak).

"Evaluation of Bridges using Field Testing," Proceedings, International Conference on Rehabilitation and Development of Civil Engineering Infrastructure Systems, Beirut, Lebanon, Vol. 1, pp. 391-402, June 1997 (with S. Kim and A.S. Nowak).

"Verification of Capacity by Proof Loading," Proceedings, IABSE Workshop on Evaluation of Existing Steel and Composite Bridges, Lausanne, Switzerland, Vol. 76, pp. 121-127, March 1997 (with A.S. Nowak).

"Experimental Evaluation of Fundamental Period of R.C. Frame Buildings with Brick Infills," *Journal of Structural Engineering*, Structural Engineering Research Center, India, Vol. 23, No. 4, pp. 189-196, January 1997 (with S.K. Jain and B. Mehrotra).

"Monitoring Truck Loads and Field Testing of Bridges," International Seminar on New Technologies in Bridge Management, Seoul, Korea, pp. 221-248, December 1996 (with A.S. Nowak and S. Kim).

"Proof Load Testing of Highway Bridges," Transportation Research Record, No. 1541, pp. 51-57, 1996 (with A.F. Sokolik and A.S. Nowak).

"Monitoring Truck Loads and Field Testing of Bridges," Proceedings, International Seminar on New Technologies in Bridge Management, Seoul, Korea, pp. 221-248, December 1996 (with A.S. Nowak and S. Kim).

"Proof Load Testing of Michigan's Highway Bridges," Proceedings, Second RILEM International Conference on Diagnosis of Concrete Structures, Strbske Pleso, Slovakia, pp. 370-375, October 1996 (with A.F. Sokolik and A.S. Nowak).

"Reliability Analysis of Plank Decks for Bridges," Proceedings, National Conference on Wooden Transportation Structures, Madison, WI, pp. 225-231, October 1996 (with A.S. Nowak).

"Verification of Load Capacity of an Old Bridge," Proceedings, Third Conference on Nondestructive Evaluation of Civil Structures and Materials, Boulder, CO, September 1996, pp. 431-440 (with A.S. Nowak).

"Proof Load Testing of Bridges," Proceedings, ASCE Seventh Specialty Conference on Probabilistic Mechanics and Structural Reliability, Worcester, MA, pp. 526-529, August 1996 (with A.S. Nowak and R. Till).

"Bridge Evaluation using Proof Load Testing," Recent Advances in Bridge Engineering - Evaluation, Management and Repair, Proceedings, US-Europe Workshop on Bridge Engineering, Barcelona, Spain, pp. 383-403, July 1996 (with A.S. Nowak).

“Nondestructive Testing of Bridges,” Proceedings, Fourth National Workshop on Bridge Research in Progress, NCEER, Buffalo, NY, pp. 47–50, June 1996 (with A.S. Nowak and S. Kim).

“Reliability Analysis for Buried Structures,” IFIP WG 7.5 Working Conference on Reliability and Optimization of Structural Systems, Boulder, CO, pp. 281–288, April 1996 (with A.S. Nowak and C.-H. Park).

“Target Safety Level for Bridges,” Proceedings, ASCE Structures Congress XIV, Chicago, Vol. 2, pp. 696–703, April 1996 (with A.S. Nowak).

“Behavior of Reinforced Concrete Slab Bridges During and After Repair,” Transportation Research Record, No. 1442, pp. 128–135, 1995 (with B.M. Shahrooz, R.A. Miller, and B. Godbole).

“Measurement of Effect of Truck Load on Bridges,” Proceedings, First Scientific Conference on New Quality of Transportation, University Pardubice, Czech Republic, Vol. III, pp. 211–218, September 1995 (with A.F. Sokolik and A.S. Nowak).

“Effect of Repair on Behavior of Reinforced Concrete Slab Bridges,” M.S. Thesis, Department of Civil and Environmental Engineering, University of Cincinnati, Cincinnati, OH, June 1994.

Presentations and Published Abstracts

“Performance of Bridges in Bhuj, India Earthquake of January 26, 2001,” India and Nisqually Earthquake Briefings, EERI, San Francisco, CA, April 3, 2001.

“Performance of Bridges in Bhuj, India Earthquake of January 26, 2001,” India and Nisqually Earthquake Briefings, EERI, California Institute of Technology, Pasadena, CA, April 4, 2001.

“Performance of Buildings in Bhuj, India Earthquake of January 26, 2001,” ASCE Structures Congress and Exposition, Washington D.C., May 21, 2001.

“Case Studies in Failure Analysis,” Engineering Seminar Series, Department of Engineering Science and Mechanics, Virginia Tech, Blacksburg, VA, November 7, 2001.

“Load Capacity Evaluation of Highway Bridges,” International Seminar on Bridge Engineering and Management in Asian Countries, Jakarta, Indonesia, September 1996 (with A.S. Nowak).

“Proof Load Testing of Steel Girder Bridges,” presentation at 1996 meeting of ASCE Committee on Safety of Bridges, ASCE Structures Congress XIV, Chicago, IL, April 1996 (with A.S. Nowak and A.F. Sokolik).

Reports

“Load Testing of Bridges,” Research Report UMCEE 96-10 submitted to Michigan Department of Transportation, Lansing, MI, October 1996 (with A.S. Nowak).

“Pre-Test Analysis of New Lothrop Bridge,” Research Report UMCEE 96-15 submitted to Carl Walker Inc., Kalamazoo, MI, June 1996 (with A.S. Nowak).

“Reliability Analysis for Selected Bridges (for Euro Code),” Research Report submitted to Highway Agency (UK), London, UK, December 1995 (with A.S. Nowak and C.-H. Park).

“Calibration of Load and Resistance Factors for TTC Structural Design Manual,” Research Report submitted to D.S. Lea Associates Ltd., Toronto, Canada, December 1995 (with A.S. Nowak and C.-H. Park).

“Load Distribution for Plank Decks,” Research Report UMCE 95-02 submitted to USDA Forest Service, Madison, WI, January 1995 (with A.S. Nowak and S. Kim).

“Truck Loads on Selected Bridges in the Detroit Area,” Research Report UMCE 94-34, Department of Civil and Environmental Engineering, University of Michigan, Ann Arbor, Michigan, December 1994 (with A.S. Nowak, S. Kim, J.A. Laman and A.F. Sokolik).

“Strength Continuity of Deteriorated Continuous Slab Bridges,” Report No. UC-CII 94/01, Cincinnati Infrastructure Institute, January 1994 (with B.M. Shahrooz and R.A. Miller).

Introduction To GPM

GPM is the oldest continuing law practice in Minneapolis—and one of the most influential. Founded in 1866 by Charles Woods as a one-man firm specializing in local real estate, the practice has grown to over 160 attorneys with clients worldwide and offices in Minneapolis, St. Cloud and Washington D.C. GPM has served the Twin Cities for over a century, building an award-winning reputation for legal expertise and a solid commitment to community involvement.

History of GPM

The original practice first expanded in the early 1880s with the additions of William J. Hahn, a former Minnesota state attorney general and Joseph R. Kingman. By the mid-1950s, the practice of law was becoming increasingly focused. Physically, the practice moved to the Roanoke Building in downtown Minneapolis and key new faces were on the scene: Franklin Gray, Frank Plant, John and Melvin Mooty and Russell Bennett.

The 1980s and 1990s were highlighted by another move—and more expansion. In 1984, the firm relocated to the Minneapolis City Center. Six years later, GPM joined with Harstad and Rainbow. In 2002, the firm combined with Hall & Byers, bringing together one of Minnesota's top ten law firms with one of the most influential business law practices in St. Cloud. Clients throughout the state—and the entire Midwest—have benefited.

In 2003, the firm relocated its Minneapolis office to its current location, the IDS Center and the St. Cloud office further expanded its offices. At the end of 2005, GPM expanded beyond Minnesota for the first time in the firm's history, opening its East Coast office in Washington, D.C. Today, GPM ranks among the nation's top 500 law firms, providing legal support of the highest quality, a dedication to uncompromising client service and an active commitment to its century-plus tradition of community involvement.

Awards & Recognition

We also recognize that clients have a right to expect what might be called traditional values from their counsel. Quality is as important to us today as it was when the firm was founded. We believe that the attorney-client relationship is ultimately a personal one, and that there is still a place for the attorney as counselor. We were honored last year to receive the Minnesota Business Ethics Award, an award honoring Minnesota businesses that have exemplified and promoted ethical conduct for the benefit of the workplace, the marketplace, the environment and the community.

Our most valuable resource is our people. We consistently seek out the best people available—attorneys, other professionals and staff. The resumes of our attorneys reflect the type of people we have at GPM: people with superior academic and professional achievements; who have served their community with distinction. We enjoy what we do. That is why we have been named one of Minnesota's "Best Places to Work" for five consecutive years. GPM is the only law firm in the state to receive this award for five consecutive years. Additional firm recognitions and honors can be found on the following page.



GPM Recognition & Honors



GPM was named one of Minnesota's "Best Places to Work" by the *Minneapolis/St. Paul Business Journal* for 2007. Of the 220+ companies that participated in the balloting, GPM is the only law firm in the state to receive this award for five consecutive years.



GPM attorneys were ranked by clients and peers as leaders in their respective fields in the 2007 *Chambers USA: America's Leading Lawyers for Business*.



GPM was named a 2007 "Go-To Law Firm" by several of its financial services clients, as determined by a 2007 American Lawyer Media survey.



In 2007, GPM was selected as one of the top five corporate law firms in the Twin Cities, for the third time in four years, by *Corporate Board Member* magazine.



GPM was honored in 2007 with its second Minnesota Work-Life Champions™ Award. GPM was recognized as the "Outstanding Employer" in the medium employer category (250-999 employees).



GPM was honored with the 2005 Better Business Bureau Integrity Award at an awards luncheon in the downtown Minneapolis Hilton hotel.



In 2005, GPM was presented with the Minnesota Business Ethics Award (MBEA). This prestigious award is given annually to Minnesota businesses that have exemplified and promoted ethical conduct for the benefit of the workplace, the marketplace, the environment, and the community.

Client Service Standards

At GPM, exceptional client service is more than a tag line or a platitude; it is our way of life. At the core of our standards are the following promises to our clients:

- We will respond to all client telephone calls, emails and faxes, or notify clients as to when we will be available to respond, within half a business day.
- We will work with clients to determine deadlines, and we meet or beat agreed upon deadlines.
- We will keep clients advised regarding fees, costs, risks and outcomes.
- We will regularly seek our clients' input, comments and suggestions about our services.

Structure of Ownership and Management

Our firm maintains a Board of Directors to determine policy subject to review by the Shareholders. We currently have eight lawyers who serve on our Board of Directors, which includes our Managing Officer, Tamara Hjelle Olsen. In addition to Shareholders, we have Principals who are responsible for the professional practice of the Corporation, but may or may not be shareholders.

We also have eight members of management Staff who report to our Executive Director. These members are responsible to the Board of Directors, Managing Officer and various committees for the business affairs of the Firm.

Office Locations and Employees

As mentioned previously, we have offices in Minneapolis and St. Cloud, Minnesota, as well as Washington, D.C. Below is a table which breaks down the staff and attorney numbers for each office.

	Attorneys	Staff	Total
Washington, D.C.	9	9	18
St. Cloud	24	32	56
Minneapolis	134	143	277
Total	167	184	351

Relevant Practice Area Overviews

Business & General Litigation

We know that litigation clients look for a proven track record. Our litigators are highly experienced in the procedural aspects of litigation and arbitration and in presenting facts and evidence. Their powers of persuasion help convince decision-makers that the client's position is just and right. We believe our results speak for themselves.

We have over sixty litigators whose expertise and impressive reputations encompass a myriad of subject areas, ranging from the latest e-commerce Internet issues to the traditional. Selected Team accomplishments speak for themselves:

- Our lawyers lecture frequently on the latest developments in their fields.
- Members of our Litigation Team literally "wrote the book" on Minnesota tort law, serving as editors of the Minnesota Chapter of Tort Law: A Fifty State Compendium (Aspen Law & Publishing, 2000).
- We have litigators who have been honored by selection to the American College of Trial Lawyers, the International Association of Defense Counsel and the International College of Trial Lawyers.

Several of our attorneys are certified civil trial specialists within the Minnesota bar.

Good lawyers will avoid litigation when they can, but when it cannot be avoided, good lawyers are not afraid to test their skills and preparation against those of their opponents. This is the GPM way.

Business Law Transactions

Business owners and executives turn to GPM for effective and responsive counsel and representation. Clients ranging from multi-national companies to entrepreneurs seek out our lawyers for everything from day-to-day legal questions to some of the most high-profile transactions in the state of Minnesota.

With over 25 lawyers, GPM's Business Law Transactions Team focuses in the following areas:

- Business tax
- Commercial financial services
- Immigration
- International
- Mergers and acquisitions
- Securities

At GPM, we know that to help clients achieve their goals we need to understand their businesses. Our lawyers work hard to learn our clients' nuances, operations and industries. Many of our clients' business opportunities take them beyond this region. Our lawyers often handle transactions in other geographic areas or work closely with counsel in those locations. Our firm has long-established relationships with leading law firms throughout the United States and the world.

Construction Law

Companies and professionals in the construction industry have a wide range of legal needs. Some involve personal issues, such as tax planning or planning the estate of the owner. Others relate to business operations, such as employment matters or mechanics' liens.

The lawyers on the Construction Law Team at GPM have demonstrated a long-standing commitment to the construction industry, including service as chair of the Construction Law Section of the Minnesota State Bar Association. And with personal experience in real estate development and construction of both residential and commercial projects, they have gained a unique understanding of the issues.

The Construction Law Team represents virtually all parties involved in the industry and businesses large and small. Clients have included:

- Owners and developers of real estate
- Architects and designers
- Engineers
- General contractors
- Subcontractors

Drawing on the expertise available within the firm, we offer construction industry clients legal assistance in the following areas:

- General business advice and counsel
- Tax planning and advice
- Estate and succession planning
- Employment matters
- OSHA regulations
- Real estate transactions
- Negotiation of construction contracts
- Mechanic's liens
- Bond claims
- Miller Act
- Real estate tax litigation before the Minnesota Tax Court
- Dispute resolution, including mediation, arbitration and litigation

The GPM Construction Law Team can assist you through the entire construction process, from negotiating contracts to dispute resolution, if necessary. We also provide services that every business requires. The members of our Team work closely with the owners and managers of construction industry clients to identify the most effective and cost-effective approach to their needs.

Environmental Law & Land Use Management

Our Environmental Law & Land Use Management Team regularly counsels corporate and governmental clients regarding the full spectrum of issues that arise out of environmental and land use management.

Our Team's experience spans the history of the development of modern environmental and land use law. We pride ourselves in our ability to assist clients in developing creative solutions to issues arising against the backdrop of this ever-changing area of law. GPM has a broad-based environmental law practice covering a variety of substantive areas, including:

- Above-ground and underground storage tank permitting and remediation
- Air and water permits

- Condemnation, zoning and land use proceedings
- Environmental audits and assessments
- Indoor air and vapor intrusion
- Insurance recovery for environmental cleanup costs, property damage and bodily injury claims
- Land use planning, redevelopment, brownfields and related issues including Tax Increment Financing and Public Grant Programs
- Regulatory and administrative challenges
- Solid and hazardous waste management issues
- Superfund cost recovery, allocation of financial responsibility and remediation of sites
- Toxic tort issues, including asbestos, mold and mercury

Government Relations

Our Government Relations Team provides clients with early intelligence of potential developments before they become law and most often before the ideas are drafted into a proposed law or regulation. The Team also works with the legislature, the governor, and administrative and local officials to shape proposals by informing and persuading officials of the benefits or adverse consequences of their potential actions. Finally, when appropriate, we initiate legislation to change existing law or create new law to benefit clients.

Changing or Creating Laws

Sophisticated organizations take a proactive role to effect their environment. Our Government Relations Team understands the intricacies of developing, writing, passing and changing public policy.

Amending a law saved one GPM client approximately \$300,000 per year in property taxes on a sewage treatment plant. Despite the potential negative effect on local school, city and county revenues, our Team members were able to obtain the support of the local governments to achieve this outstanding result.

An existing law prevented another client from achieving their business objectives and serving their customers. Our client needed reports from a governmental agency to provide their customers with critical information. We worked collaboratively with the governmental agency, the legislature and our client to obtain a critical change in the law. Our involvement, from start to finish, gave our client the representation it needed to get agency approval, legislative backing and a final contract with the agency.

Monitoring and Informing of Developments

Changes can happen quickly; as a result, organizational leaders need to stay close to the legislative and administrative bodies that influence their operations. By gathering critical information and maintaining established and trusted relationships, the Government Relations Team acts as your early warning system. Clients receive real time alerts on proposed legislation or rules, as well as agency and legislative actions, before they happen. This allows clients to stay ahead of the legislative curve on issues that could affect their operations—positively or negatively.

Insurance & Risk Management

Insurance policies are marketed as effective vehicles for managing a vast array of risks. In many instances they are, but often the policy terms and conditions—the words on paper—control the ultimate coverage. Today, policies are extremely complicated with numerous exclusions, sublimits and other restrictions on coverage—all drafted by the insurers. We can help you level the playing field by evaluating the complex terminology affecting your risk exposure, negotiating terms and conditions to best manage that exposure, and providing additional solutions for managing your risks.

We provide legal service to clients including businesses and other organizations across a broad spectrum of enterprise risk management (ERM) and insurance coverage issues, including:

- Evaluating new insurance products, exclusions or endorsements as they may relate to the insured's risk appetite and business operations
- Negotiating manuscript endorsements and policy language tailored to the specific needs and circumstances of the insured
- Assisting in the develop of procedures and protocols for determining whether a "claim" or "loss" has occurred and where appropriate, notifying the carrier
- Developing strategies in response to denial of claims or reservation of rights letters;
- Negotiating with insurers to provide a defense, or where coverage is denied, strategies to protect the insured
- Reconstructing historical coverage, claims history and impairment/exhaustion of coverage for purposes of evaluating and/or pursuing coverage for long-tail claims
- Evaluating trigger of coverage and allocation of losses over multiple policy periods and layers of coverage to maximize potential coverage
- Advising on risk management including insurance in mergers and acquisitions
- Designing cost-effective solutions to managing risks consistent with the client's goals and objectives

When coverage disputes arise, we provide experienced, cost-effective legal counsel. We have successfully litigated many types of coverage claims. Some of the many types of coverage claims we handle include:

- Advertising claims (e.g., trademark)
- Employment practices/discrimination claims
- Claims against officers and directors
- Toxic tort and environmental cleanup claims
- Property loss and business interruption claims
- Professional liability/errors & omissions claims
- Extra-contractual/bad faith claims

Products Liability & Tort Litigation

GPM has a long-standing tradition of aggressively, effectively and efficiently representing its clients in products liability, tort, mass tort and complex litigation. We work closely with our clients to provide the highest quality services aimed at achieving successful results. Our lawyers investigate and understand our clients' products and businesses inside and out. We are knowledgeable and highly skilled in all phases of the litigation process and have extensive experience in trials, administrative proceedings, arbitrations, appeals, alternative dispute resolution, discovery, and motion practice.

Areas of Concentration

Our Products Liability & Tort Litigation Team focuses specifically on products liability litigation and avoidance, tort litigation (including transportation cases) and appellate advocacy. The Team has experience representing businesses ranging from small enterprises to Fortune 500 companies. Our clients represent a wide range of industries, including:

- Aerial Lifts
- Automobile and Truck Tires and Wheels
- Boats and Marine Electronics
- Consumer Goods
- Food Products
- Fuel Hoses
- Furniture
- Grain Silos and Agricultural Equipment
- Heating and Cooling Equipment
- Heavy Machinery
- Industrial Equipment, Controls and Safety
- Ladders and Scaffolding
- Manufactured Homes
- Meat Processing Grinders
- Medical Products
- Paints and Other Finishes
- Portable Construction Heaters
- Printing Equipment
- Software
- Valves, Regulators and Other Gas Handling Products
- Vending Machines
- Windows and Other Construction

Litigation Avoidance

While our firm is well equipped to defend products liability and tort lawsuits, we believe strongly in prevention. Our Products Liability & Tort Litigation Team has developed a reputation for not only aggressively defending our clients in lawsuits, but also working with clients to prevent future problems from occurring. Their work includes:

- Loss prevention and product safety programs
- Product liability and tort litigation audits
- Reviews of product advertising, warnings, instructions and warranties
- Design and preparation of product recall procedures and strategies
- Document management programs and policies
- Programs to ensure compliance with regulatory and statutory requirements

- Training programs to facilitate effective communication while avoiding damaging admissions

We also work with both clients and their insurance carriers to minimize costs through self-insurance retention, deductibles and captive insurance programs. In addition, we regularly counsel clients on issues concerning advertising and warnings that arise under various state and federal consumer protection laws as well as issues related to the federal Consumer Products Safety Act and the Consumer Products Safety Commission rules and regulations.

Tort Litigation

Our lawyers are well versed in all areas of tort law, having represented small and large clients in a wide variety of tort liability cases. This representation ranges from representing large trucking and bus companies in personal injury litigation to corporations and individuals in business tort cases. GPM tort lawyers have been at the forefront of many developments in the law over the years. Several of our Team members are co-authors of the Minnesota Chapter appearing in *Tort Law: A Fifty State Compendium* (Aspen Law and Business 2002).

Appellate Advocacy

GPM lawyers have extensive experience in Minnesota Appellate Courts, as well as various other state appellate courts and in the Federal Circuit Courts of Appeal. We not only handle cases on appeal for existing clients, but also assist other counsel and their clients in all facets of the appeal process. Our attorneys in this area focus on their appellate skills through continual training and bar involvement. Several of our Team members were law clerks for state and federal appellate courts.

Real Estate

GPM's Real Estate Practice Group serves clients using a practical, results-oriented approach. Our Team treats every transaction with importance, whether the deal involves a basic acquisition of a Greenfield property, negotiation of a single use lease; or—on the more complex end of the spectrum—a multi-party, mixed-use development, an acquisition of a nationwide business, or a transaction presenting zoning, land use issues or environmental concerns.

Expertise to Fit the Situation...

Clients of GPM include developers, architects, engineers, governmental agencies, lenders, public and private corporations, builders, contractors, subcontractors, and investors. Their needs involve industrial, retail, commercial, and residential real estate transactions of all types.

...in Every Type of Real Estate Transaction

The lawyers at GPM bring years of experience to bear in the real estate area. Their services include:

- | | |
|---|-------------------------------|
| • Land use, zoning and related matters | • Options |
| • Design agreements | • Project financing |
| • Acquisitions and sales | • Easements |
| • Lease negotiations | • Sale-leaseback transactions |
| • Analysis and advice on tax consequences | • Syndications |
| | • Tax deferred exchanges |

- Construction contracts
- Risk assessment
- Real estate litigation
- Title matters
- Workouts, mortgage foreclosure, contract-for-deed cancellations
- Environmental matters
- Condemnation/eminent domain
- Development/Re-development projects
- Property tax protests

White Collar Crime

GPM's white collar crime attorneys have broad experience representing clients in internal corporate and government investigations. Our practice includes representations in investigations conducted by local, state and federal agencies, and prosecutors, including:

- Department of Justice
- Minnesota Department of Commerce
- Minnesota Department of Health and Human Services
- Minnesota Office of the Secretary of State
- Minnesota Pollution Control Agency
- Minnesota State Medical Licensing Boards
- National Association of Securities Dealers
- States' Attorney General's Offices
- The Securities and Exchange Commission
- U.S. Attorney's Offices
- U.S. Department of Commerce
- U.S. Department of Defense
- U.S. Food and Drug Administration
- United States Small Business Administration

GPM's attorneys represent clients in parallel proceedings involving both criminal and civil exposure. We handle a wide spectrum of matters from analysis to defense in the following substantive areas:

- Arms Export Control Act
- Banking and Loan Fraud
- Bribery/Extortion
- Campaign Finance Violations
- Conflicts of Interest
- Corporate Inflated Earnings Reports
- Foreign Corrupt Practice Act
- Health, Medicare and Medicaid Fraud
- Insider Trading
- Mail and Wire Fraud
- Medical Licensing
- Money Laundering
- Obstruction of Justice
- Whistleblower Claims

Our white collar crime attorneys have vast experience trying numerous criminal and civil cases and handling appeals in federal and state courts, both in private practice and previously as government prosecutors. This wealth of white collar crime experience combined with GPM's full-service capabilities enables us to serve all your needs from prevention to vigorous defense.

GPM Billing Rates

With regard to pre-set billing arrangements, most of our current clients have opted for hourly billing, and we believe that our cost-effective team approach delivers excellent value. We are, however, always willing to develop custom billing arrangements that meet our clients' needs, such as retained relationships, blended rates, or flat-fee project arrangements. We have every confidence that we can develop appropriate and creative fee arrangements consistent with the Committee's needs.

Below is a list of the current billing rates for the proposed GPM team:

Team Leader	Hourly Rate
Bob Stein	\$455
Primary Team	
Katie Bergstrom	\$380
Tom Johnson	\$440
David Lebedoff	\$395
Bruce Mooty	\$455
Nick Nierengarten	\$435
Jay Tucker	\$440
Eric Yaffe	\$425
Associates	
As needed	\$235-\$300
Paralegals	
As needed	\$120-\$230