

## **EXPERT WITNESS AND LITIGATION SUPPORT SERVICES PROJECT CAPSULES**

### **1. Petroleum Remediation - Weld County Colorado District Court**

Paragon provided expert-witness and litigation-support services related to a release of gasoline from underground storage tanks. An adjacent property owner was not satisfied with the proposed remedy that was being implemented by the owner of the underground storage tanks. Services included reviewing the technical and regulatory record, preparation of an expert report, supporting discovery, participating in deposing plaintiff's expert witness, and trial preparation. The case settled almost immediately after deposition of plaintiff's expert. The settlement was satisfactory to Paragon's client and remediation of the petroleum release continued as originally proposed.

### **2. Ditch Easement Rights - Larimer County Colorado District Court**

This matter related to easement rights associated with water delivery ditches. The dispute was relative to a ditch company's and a stockholder's right to have access to operate and maintain ditches on another person's property. Services included obtaining and reviewing historical aerial images and maps to document the historical location of the ditches, reviewing recorded easements, analyses of ditch stability over time, reviewing historical delivery records, hydraulic analyses of various ditches and measuring structures, preparation of an expert report and a rebuttal report, reviewing and commenting on the plaintiff's expert report, preparation for trial, exhibit preparation, and testimony at trial. Paragon's clients prevailed at trial and the court awarded costs to Paragon's clients.

### **3. Claim of Damage to a Domestic Supply Well - Larimer County Colorado District Court**

Paragon provided expert-witness and litigation support for a matter where the defendant counterclaimed that their well was damaged by the actions of Paragon's client. Services included evaluation of the hydrologic conditions around the well, evaluation of pasture stewardship upslope of the well, evaluation of geologic conditions around the well, reviewing Division of Water Resources records and water-rights associated with the well, sedimentation analyses around the well, preparation of an expert report, reviewing and commenting on the defendant's expert reports, preparation of cross-examination questions, preparation of trial exhibits, preparation for trial, and trial testimony. Paragon's client prevailed at trial in this matter.

#### **4. Petroleum Storage Tank Reimbursement and Remediation Claim - Denver County Colorado District Court**

A major oil company had claimed reimbursement from the Colorado Petroleum Storage Tank Fund (PSTF) without disclosing releases that occurred prior to coverage by the PSTF and duplicative of insurance payments. Services included a detailed review of development of the Federal underground storage tank regulations and upgrade requirements, developing disclosure requests, review of files related to over 200 releases and determining release dates, developing damages values, preparation of an expert report, reviewing and commenting on the defendant's expert reports, preparation of cross-examination questions, preparation of trial exhibits, preparation for trial, and preparing for trial testimony. Paragon's client reached an acceptable settlement payment in this matter.

#### **5. Fraud and Breach of Contract Claim - Harris County Texas District Court**

The Seller of an oil-field waste disposal company misrepresented the condition of certain critical assets of a company to Paragon's client. There was a dispute regarding release of a \$12.8 MM escrow since the salt cavern did not function consistent with representations and warranties included in the purchase agreement. Services included a detailed review of the due-diligence documents and process, review of disclosures and previously undisclosed documents produced by the plaintiff, preparation for deposition, testifying in deposition, and preparing for trial testimony. The judge ruled from the bench in Paragon's client's favor and awarded fees and costs as well as punitive damages.