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5 Attorneys for Plaintiff and Cross-Defendant
6 COAST WHOLESALE FLORIST, INC.

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SAN FRANCISCO

10
11 COAST WHOLESALE FLORIST, INC.,

12 Plaintiff,

13 v.

14 CHEVRONTEXACO CORPORATION,
CHEVRON U.S.A. Inc., and DOES 1-10,
15 INCLUSIVE,

16 Defendants.

CASE NO. CIV 441624

**COAST WHOLESALE FLORIST, INC.'S
EXPERT WITNESS DESIGNATION**

Date of Filing: September 1, 2004
Trial Date: August 29, 2005

17 AND RELATED CROSS-ACTION.
18

19 Pursuant to Code of Civil Procedure section 2034.260, plaintiff Coast Wholesale Florist,
20 Inc. ("Coast") designates each of the persons identified below as persons who may offer testimony
21 in the form of expert opinions at trial of this matter:

22 1. Bernard D Goldstein, M.D., A624 Crabtree Hall, 130 DeSoto Street, Pittsburgh, PA
23 15261; (412) 624-3001.

24 2. Mike Bryan, President, BBI International, 5015 Cty Road 12, Cotopaxi, CO 81223;
25 (719) 942-4353.

26 3. Thomas Clarke, Ropers, Majeski & Kohn, 333 Market Street, Suite 3150, San
27 Francisco, California 94105; (415) 543-4800.

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4. Gerald Knapton, Ropers, Majeski & Kohn, 515 So. Flower Street, Suite 1100, Los Angeles, California 90071; (213) 312-2000.

5. Kenneth Roy Williams, California Regional Water Quality Control Board, 3737 Main Street, Suite 500, Riverside, California 92501-3348; (951)782-4130.

6. Joseph Odencrantz, Ph.D., P.E., Tri-S Environmental, 2121 Yacht Yankee Circle, Newport Beach, CA 92660-6728; (949) 644-8602.

7. Marcel Moreau, Marcel Moreau Associates, 77 Ocean Avenue, Portland ME 04103-5723; (207) 774-9263.

8. Jeffrey Enright, Enright & Company, Inc., 2600 South El Camino Real, Suite 225, San Mateo, California 94403; (650) 356-1151.

9. Paul Liu, The Brattle Group, 353 Sacramento Street, Suite 1140, San Francisco, California 94111; (415) 217-1000.

10. Steven H. Bovarnick, Esq., Hunter and Bovarnick, 345 Grove Street, San Francisco, California 94102-4493; (415) 621-8700.

Coast reserves the right to supplement its designations pursuant to Code of Civil Procedure Section 2034.280. Coast further reserves the right to call experts not designated whose testimony is needed to aid in its defense and to rebut the contentions and testimony of defendant's and cross-complainant's experts pursuant to Code of Civil Procedure Section 2034.310.

Percipient witnesses deposed in this matter, who have not been retained by Coast as experts and who are not employees of Coast, may be asked by Coast to provide expert testimony at trial in conjunction with their percipient testimony. Coast does not concede that all such witnesses deposed are qualified to give such expert testimony.

DATED: July 18, 2005

HANCOCK ROTHERT & BUNSHOFT LLP



By: Michael A. Gevertz
Attorneys for Plaintiff and Cross-Defendant COAST
WHOLESALE FLORIST, INC.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

I am employed in the county of aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is Four Embarcadero Center, Suite 300, San Francisco, California 94111-4168.

On July 18, I served the following document(s) described as **COAST WHOLESALE FLORIST, INC.'S EXPERT WITNESS DESIGNATION** on the interested party(ies) in this action by placing true copies thereof enclosed in sealed envelopes and/or packages addressed as follows:

David L. Schrader, Esq. Attorneys for Defendant Chevron
Allison N. Shue, Esq. U.S.A. Inc.
Morgan, Lewis & Bockius, LLP
300 South Grand Avenue, 22nd Floor
Los Angeles, California 90071-3132
Tel: 213.612.2500
Fax: 213.612.2501

- BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at San Francisco, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- BY FEDERAL EXPRESS:** I served such envelope or package to be delivered on the same day to an authorized courier or driver authorized by Federal Express to receive documents, in an envelope or package designated by Federal Express.
- STATE:** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- FEDERAL:** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on July 18, 2005, at San Francisco, California.


Cindy Fong

1 MICHAEL A. GEVERTZ (SBN 127711)
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14 CHEVRONTEXACO CORPORATION,
CHEVRON U.S.A. Inc., and DOES 1-10,
15 INCLUSIVE,

16 Defendants.

CASE NO. CIV 441624

**DECLARATION IN SUPPORT OF
EXPERT WITNESS DESIGNATION OF
COAST WHOLESALE FLORIST, INC.**

17
18 AND RELATED CROSS-ACTION.

19 I, Michael A. Gevertz, declare as follows:

20 1. I am an attorney licensed to practice in the courts of the State of California and am
21 a partner of the law firm of Hancock, Rotherth & Bunshoft LLP, attorneys for Coast Wholesale
22 Florist, Inc., in this action. I submit this declaration pursuant to California Code of Civil
23 Procedure section 2034.260 in support of Coast Wholesale Florist, Inc.'s expert designation. I am
24 familiar with the facts stated in this declaration, and if called as a witness, could and would testify
25 competently thereto. Coast intends to offer the expert witness testimony of the experts disclosed
26 herein at trail of this matter, either orally or by deposition testimony.

27 2. Bernard D Goldstein, M.D. is a medical doctor with expertise in the environmental
28 and occupational health sciences, public health, toxicology, and epidemiology. He will discuss

1 available data concerning the toxicology and potential carcinogenicity of MTBE and the adequacy
2 of studies on MTBE conducted by industry to date, as well as the public health risk associated
3 with human exposure to MTBE.

4 Counsel represents that the aforementioned expert has agreed to testify at the trial of this
5 matter. Counsel represents that the aforementioned expert will be sufficiently familiar with the
6 pending action to submit to a meaningful oral deposition concerning any opinion and its basis.

7 The aforementioned expert's fee for providing deposition testimony is \$700 per hour,
8 \$5,600 per day. His consultation fee is \$650 per hour.

9 3. Mike Bryan is the President of BBI International. He is an expert in – and will
10 testify concerning – the use of ethanol in gasoline as an alternative to MTBE, including ethanol's
11 supply, demand, logistics, and availability for use in California refineries.

12 Mr. Bryan has agreed to testify at trial. He will be sufficiently familiar with the pending
13 action to submit to a meaningful oral deposition concerning his specific testimony, including any
14 opinion and its basis, that he is expected to give at trial.

15 Mr. Bryan's's fee is \$250 per hour for consulting and providing deposition testimony.

16 4. Paul Liu is an economist and will discuss the present value of the damages
17 sustained by Coast and Coast's damages.

18 Counsel represents that the aforementioned expert has agreed to testify at the trial of this
19 matter. Counsel represents that the aforementioned expert will be sufficiently familiar with the
20 pending action to submit to a meaningful oral deposition concerning any opinion and its basis.

21 The aforementioned expert's fee for consulting and providing deposition testimony is \$325
22 per hour.

23 5. Jeffrey Enright is a certified real estate appraiser who will testify concerning the
24 diminution in value of land contaminated by MTBE and associated damage claims by Coast.

25 Counsel represents that the aforementioned expert has agreed to testify at the trial of this
26 matter. Counsel represents that the aforementioned expert will be sufficiently familiar with the
27 pending action to submit to a meaningful oral deposition concerning any opinion and its basis.

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1 The aforementioned expert's fee for consulting and providing deposition testimony is \$250
2 per hour with a four hour per day minimum.

3 7. Joseph Odencrantz, Ph.D., P.E. has a Ph.D. in civil and environmental engineering
4 and experience in the assessment, remediation and monitoring of petroleum hydrocarbon
5 contamination, as well as the analysis of the fate and transport of constituents of gasoline in
6 groundwater systems. Dr. Odencrantz will testify concerning the Drake and Wagner III wells
7 impacted by the release of MtBE onto the Property, the results of pumping tests and other studies
8 performed at the Property which are described in numerous documents produced in discovery and
9 in his depositions. These subjects include the characteristics of MTBE, its capacity to cause
10 significant groundwater contamination problems with public drinking water supply wells,
11 movement of contaminants in groundwater, to what extent MTBE impacted the Drake and Wagner
12 III wells, and the investigation and remediation efforts implemented to address this impact. Dr.
13 Odencrantz will also testify regarding the biodegradability of MTBE, groundwater hydrology of
14 the Property and surrounding area, fate and transport of petroleum hydrocarbons, and risk-based
15 corrective action.

16 Dr. Odencrantz is expected to provide testimony on the standard of care for underground
17 storage tank owners and operators, including measures, practices and procedures to test, operate
18 and maintain tanks in accordance with established codes and standards to prevent leaks, spills and
19 releases of petroleum products into the environment. Dr. Odencrantz also is expected to testify
20 regarding involvement by the government and regulatory agencies in overseeing tank owners and
21 operators.

22 Dr. Odencrantz has agreed to testify at trial. Dr. Odencrantz will be sufficiently familiar
23 wit the pending action to submit to a meaningful oral deposition concerning the specific
24 testimony, including any opinion and its basis, that he is expected to give at trial. The
25 aforementioned expert's fee for providing deposition testimony is \$375 per hour. His consultation
26 fee is \$250 per hour.

27 8. Marcel Moreau is the President of Marcel Moreau Associates, a consulting firm
28 specializing in underground petroleum storage systems based in Portland, Maine. He holds a

1 bachelor's degree in Geology from Williams College and a master's degree in Oceanography from
2 the University of Maine. Since 1983, he has worked exclusively in the petroleum storage field,
3 chiefly in the areas of regulation, storage and leak detection technology, site assessment and
4 corrective action. He will testify concerning: the petroleum marketing industry's early knowledge
5 concerning the effects of releases of gasoline containing MTBE to the environment, the petroleum
6 marketing industry's knowledge concerning the integrity of the underground storage systems at
7 the time when gasoline/MTBE mixtures were first introduced, and the petroleum marketing
8 industry's present day knowledge of the magnitude of MTBE releases to the environment and the
9 consequences of MTBE releases on groundwater quality.

10 Counsel represents that the aforementioned expert has agreed to testify at the trial of this
11 matter. Counsel represents that the aforementioned expert will be sufficiently familiar with the
12 pending action to submit to a meaningful oral deposition concerning any opinion and its basis.
13 The aforementioned expert's fee for providing deposition testimony is \$300 per hour. His
14 consultation fee is \$ 200 per hour.

15 9. Gerald Knapton is an attorney and will discuss the reasonableness of the fees and
16 costs incurred in the underlying suit brought against Coast Wholesale Florist.

17 Counsel represents that the aforementioned expert has agreed to testify at the trial of this
18 matter. Counsel represents that the aforementioned expert will be sufficiently familiar with the
19 pending action to submit to a meaningful oral deposition concerning any opinion and its basis.

20 The aforementioned expert's fee for consulting and providing deposition testimony is \$450
21 per hour.

22 10. Thomas Clarke is an attorney and will discuss the reasonableness of the settlement
23 incurred in the underlying suit brought against Coast Wholesale Florist.

24 Counsel represents that the aforementioned expert has agreed to testify at the trial of this
25 matter. Counsel represents that the aforementioned expert will be sufficiently familiar with the
26 pending action to submit to a meaningful oral deposition concerning any opinion and its basis.

27 The aforementioned expert's fee for consulting and providing deposition testimony is \$350
28 per hour.

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Percipient Witnesses Who May Offer Expert Opinions

11. Kenneth Roy Williams conducted a study concerning over 300 gasoline station sites in Orange County and will discuss the nature and extent of MTBE contamination found, MTBE concentration trends over time, ongoing releases from upgraded gasoline storage systems, the involvement of Chevron and other petroleum companies in these releases and their knowledge of the presence of MTBE at these sites.

12. Steven H. Bovarnick is an attorney who defended Coast Wholesale Florist in the California-American Water Company v. Coast Wholesale Florist, Inc. action filed in San Mateo County Superior Court, and also negotiated the settlement of the underlying suit on the terms and conditions of the written Settlement Agreement and Release dated March 28, 2003, between those parties. Mr. Bovarnick will discuss the reasonableness of the fees and costs incurred in the underlying suit brought against Coast Wholesale Florist, and also will discuss the reasonableness of the settlement incurred in the underlying suit brought against Coast Wholesale Florist.

I declare under penalty of perjury under the laws of the State of California that the forgoing is true and correct.

Executed this 18th day of July 2005, at San Francisco, California.

DATED: July 18, 2005

HANCOCK ROTHERT & BUNSHOFT LLP



By: _____
Michael A. Gevertz
Attorneys for Plaintiff and Cross-Defendant COAST
WHOLESALE FLORIST, INC.

