



Gregory S. Arnold, Esq., J.D., LL.M (Insurance Law)

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EXPERT TESTIMONY AND OTHER EXPERT WORK WITHIN PRECEEDING SIX YEARS

- ***Manko Window Systems, Inc. v. All Star Glass, LLC and Granite Re, Inc.***
Circuit Court, Denver, Colorado. Case No. 2020CV33578.
Formally retained on behalf of window supplier Manko by plaintiff's attorney, Spencer Sears of the Fox Rothschild Law Firm. Provided expert testimony on the surety industry standards applicable to the handling of a payment bond claim by a supplier to a subcontractor on a private project, a luxury apartment complex.
Bond Form: Common Law Subcontract Payment Bond. **Deposition Testimony:** Yes (5-20-2022)
Mediation Attendance: No. **Written Report:** Yes (Draft and Final) **Trial Testimony:** Yes (7-21-2022)
- ***Liberty Surplus Insurance Company v. Seabold Construction Company***
Circuit Court of the State of Oregon, County of Washington, Case No. C134712CV Dates: February 2, 2015 to April 23, 2015
Formally retained on behalf of insurer Liberty Surplus Insurance Company by plaintiff's attorneys David Schoeggl and Matthew Kirkpatrick of Lane Powell PC, in a declaratory relief action. Provided opinions on overlapping CGL and performance bond coverages with respect to construction of an assisted living facility in Portland, OR. **Forms:** Assortment of Bond Forms and Insurance Policies
- ***Stellar J. Construction v. Unison Solutions, Inc. and Argonaut Insurance Company***
USDC Western District of Washington, Case No. 3:12-cv-05982 RBL
Dates: December 12, 2012 to April 9, 2015.
Formally retained on behalf of the general contractor/dual obligee by plaintiff's attorneys, Schwabe, Williams & Wyatt, in a multi-party action involving an energy project. Stellar J received the contract via assignment from Klickitat County PUD. Other dual obligee was Applied Filter Technologies. Gave a full day of deposition testimony. Prepared a written report in contemplation of mediation (cited in motions), and attendance at the mediation. The issue was whether the bond should be analyzed as a Performance Bond, despite the title "Supply Bond", plus reliance upon the similarities to the case of *Colorado Structures v. Insurance Company of the West* and resulting first-party bad faith exposure of the surety company. Also prepared a report regarding rare procedure for recovery from indemnitors' CGL policies to make a global settlement a possibility. **Trial Testimony: No**
Deposition Testimony: Yes **Mediation Attendance:** Yes **Written Report:** Yes
Bond Form: Common Law Supply Bond Worded as a Performance Bond
- ***Excel Masonry, Inc. v. K & B Quality Masonry, Inc., and Insurance Company of the West*** Superior Court of Alabama, Birmingham, AL. Dates: 2014
Fact witness for Insurance Company of the West. Informally "adopted" by the court as a quasi-expert witness. Gave a hybrid of both fact and expert trial testimony, but was not "qualified" as an expert by the judge. The issue was the distinction between common law and statutory bonds and the resulting legal effect upon the Alabama Prompt Payment Statute. Educated the judge from the witness stand in response to his direct questions. Judge Robert Vance. My trial testimony benefited both the GC and its surety, ICW. The surety company's attorney was Thomas L. Selden of Starnes, Davis, Florie LLP, Birmingham, Alabama.
Trial Testimony: Yes **Deposition Testimony:** No **Mediation Attendance:** No **Written Report:** No
Bond Form: Subcontract Common Law Form
- ***New England Consortium of Auto Collision Repair Businesses, Sept. 2019 (Against Insurers)***
Retained to send letter to U.S. Senators in support of maintenance of the 1963 Decree against insurers for discriminatory practices in the auto repair industry.



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➤ ***Current Expert Assignments/Confidential Pending Cases***

- (a) ***Spencer Albert v. Lender***
District Court, Seattle, WA
Formally retained by attorney Jason Alexander of the Emerald City Law Firm for homeowner / insured against the mortgage lender and lender-placed insurer. Washington state law. Provided a written report and gave deposition testimony May 2018.
- (b) ***Sue Hong v. Lender***
Formally retained by attorney Harish Bhartil for class of homeowners/insureds against a mortgage lender and a lender-placed insurer. Washington law. Report, mediation, deposition, trial, all pending.
- (c) ***Commonwealth of Northern Mariana Islands v. F & D of Maryland.***
Pending in Commonwealth of Northern Mariana Islands
Formally retained by law firm for owner/obligee Airport Authority in a U.S. territory against major surety. Territorial law.
Status: COVID-hold. **Bond Form:** Modified Federal Form 25.
- (d) ***Wright Construction Services, Inc. v. Liberty Mutual Insurance Company***
Circuit Court, St. Louis, Missouri.
Formally retained on behalf of general contractor/principal/indemnitors, by plaintiff's attorneys, Frankel, Rubin, Klein, Siegel, Payne & Pudlowski, against a major surety.
Trial Testimony: Pending (August 2023) **Deposition Testimony:** Yes (x 2) **Mediation Attendance:** No
Written Report: Yes (for depositions x 2) **Bond Form:** AIA312-2010.