

# **SAMPLE**

## Expert Report

This is an actual expert report submitted to the opposing parties in a case. The case settled on November 2, 2010. Retaining counsel has granted permission to circulate this report as a sample of work product.

This report is provided in 2 formats: the full report including the extensive annotated exhibits (20 MB), and the report without the exhibits (to allow e-mailing) are available.

# Printing Instructions

This document has been prepared with Adobe Acrobat 6.0, set to be compatible with Acrobat or Reader 5.0.

It is intended that the document be printed in color.

Reports are best printed on 3-hole paper, and placed into a 3-ring binder.



# Marlin E. Buckley, P.C.®

## Building Experts

360 East Elm Street  
Conshohocken, PA 19428  
(888) 419-7770 x1  
(866) 899-7387 fax

Marlin E. Buckley  
Managing Principal  
marlin@buckleypc.com  
www.buckleypc.com

---

August 21, 2010

Norman L. Haase  
Attorney at Law  
Swartz Campbell, LLC  
115 North Jackson Street  
Media, PA 19063

### **RE: Sybil O'Neil vs. DirecTV, Inc.**

Dear Mr. Haase:

My expert report in the above captioned matter follows:

#### **INTRODUCTION**

Sybil O'Neil, in September, 2007,<sup>1</sup> hired DirecTV to install a satellite television antenna system at her premises located at 4506 Mulberry Street, Philadelphia. Within the next month, or so, plaintiff states she noticed “. . .a very terrible smell that was coming from the basement”.<sup>2</sup> The odor was prevalent throughout “. . .the whole house”.<sup>3</sup>

On April 10, 2009,<sup>4</sup> a home weatherization program contractor visited the premises and indicated the cause of the odor was the installation of the satellite antenna on the stack vent. “ ‘Its in your exhaust pipe,’ he say, ‘and that is what’s causing the smell in your house.’ ”<sup>5</sup>

On April 17, 2009, at plaintiff’s request, DirecTV relocated the satellite antenna from the stack vent to the opposite side of the house.<sup>6</sup>

---

<sup>1</sup> Complaint, paragraph 3

<sup>2</sup> BUCKLEY EXHIBITS, page 4

<sup>3</sup> Ibid., page 7

<sup>4</sup> Complaint, paragraph 6

<sup>5</sup> BUCKLEY EXHIBITS, pages 10 and 11

---

Plaintiff is claiming she “suffered from an exhaust pipe which was badly damaged”<sup>7</sup>, and the malodor has caused her personal injuries.<sup>8</sup>

## **DOCUMENTS EXAMINED**

During the preparation of this expert report I examined the following:

1. Complaint
2. Answer to Complaint
3. Deposition of Sybil O’Neil, May 4, 2010
4. Deposition of Walter Victor, May 4, 2010
5. Pillar to Post expert report, November 20, 2010
6. Pillar to Post supplementary expert report, June 22, 2010
7. Plaintiff’s photographs, undated (exhibited to plaintiff’s deposition)
8. Other documents exhibited to this expert report (see Table of Contents to Exhibits)

## **EXPERT QUALIFICATIONS**

I have over 35 years of experience in the construction industry, comprised of hands-on trade level work *with the tools*, as well as substantial managerial experience in estimating and project management.

Additionally, I have served in the capacity of senior project manager.

I am a City of Philadelphia Registered Master Plumber,<sup>9</sup> and have personally worked on plumbing systems similar to the one located at plaintiff’s residence. I am a City of Philadelphia licensed Electrical Contractor<sup>10</sup> and have installed television antenna systems.

---

<sup>6</sup> Complaint, paragraph 7, BUCKLEY EXHIBITS, pages 108 and 114

<sup>7</sup> Complaint, paragraph 8

<sup>8</sup> Ibid., paragraph 3

<sup>9</sup> BUCKLEY EXHIBITS, page 211

<sup>10</sup> Ibid., page 212

My current *Curriculum Vitae* is attached.<sup>11</sup>

## **PRIOR TESTIMONY AND EXPERT WORK**

A record of prior testimony and expert work can be examined in the exhibits.<sup>12</sup>

## **COMPENSATION**

I have been engaged by and am being compensated for this expert work by the law firm of Swartz Campbell, LLC, Media, PA.

## **FINDINGS**

I conducted a site investigation at 10:00 on the morning of July 27, 2010. Accompanying me were retaining attorney Norman Haase and Certified Industrial Hygienist (CIH) Patrick Rafferty of Rafferty and James, Inc. Additionally, I was assisted by John Riegler, a laborer from Nagel Lavin, Inc., an area plumbing contractor, who provided equipment and assistance for me to reach the stack vent pipe at the rear second story roof of the residence. Plaintiff's counsel did not attend the investigation. Present were Sybil O'Neil, and an adult male who I presumed to be a family member residing at the home. Photographs I took during the investigation are in the exhibits to this report.<sup>13</sup> Mr. Rafferty will be issuing a separate expert report on the issues related to chemistry and indoor environmental quality.

The investigation commenced in the basement. My first observation indicated that most of the original cast iron piping for the house drain (main sewer line) had been replaced with PVC (plastic) piping.<sup>14</sup> The City of Philadelphia Plumbing Code first approved PVC piping in houses sometime around 1975.<sup>15</sup> A visual inspection into a cleanout<sup>16</sup> indicated the pipe was clear (not clogged).

---

<sup>11</sup> Ibid., page 199

<sup>12</sup> Ibid., page 205

<sup>13</sup> Ibid., page 53, ff.

<sup>14</sup> This house appears to have been constructed sometime around the Civil War era, and was probably built prior to the installation of public sewers and water service into that area of the city. It was common for such houses to have been constructed with a privy (outhouse) in the rear yard. The manner in which the piping is routed throughout the house is in keeping with a retrofit renovation prior to 1900. The original piping, some still evidenced, was extra heavy pattern service weight cast iron, with lead and oakum joints. The rear stack vent is such pipe. Examine BUCKLEY EXHIBITS, pages 55 and 109.

<sup>15</sup> This information was confirmed in a telephone conversation with Bob Gledhill, Chief Plan Examiner of the Plumbing Unit, City of Philadelphia, July 6, 2010.

<sup>16</sup> BUCKLEY EXHIBITS, page 80

At the front of the basement a powder room had been constructed.<sup>17</sup> Since the soil and waste piping from these fixtures was below the invert (elevation) of the house drain a Quik Jon packaged sewage ejector pump was employed to collect the sewage and pump it up to the house drain.<sup>18</sup> Examination of the water closet (toilet) and lavatory (hand sink) indicated they were functional and had been recently used. The flush valve in the water closet, and the P-trap under the lavatory appeared to have been recently replaced.<sup>19</sup>

Packaged sewage ejector pumps of this type require care and maintenance. Unmaintained and unused, they will clog with sewage. If the attached fixtures are unused for a period of time, the water in the fixture traps<sup>20</sup> will evaporate, and will allow the escape of sewage odors from the ejector storage tank into the room. Additionally, a clogged ejector pump can overflow, allowing sewage to spill out onto the floor.

A manufacturer's date printed on the piping of the sewage ejector indicated it was manufactured on May 28, 1999.<sup>21</sup> This would presume the basement powder room was constructed sometime after that date. It was noted that a pipe from the ejector proceeded to an emission point outside the residence, around the corner from the front door. While code compliant, the installation instructions for that ejector recommend that it be vented through the roof. That emission point of the sewage ejector at the O'Neil residence could have a source of sewage odor, though I will leave final comment on that situation for analysis by Mr. Rafferty.

At the time of my investigation all basement plumbing systems were functional.

Next to the basement powder room was a recently installed, gas fired, domestic hot water heater.<sup>22</sup> Examination of the label indicates a date of manufacture in March, 2009.<sup>23</sup> That would indicate the installation was performed sometime thereafter. There is no record of any plumbing permit at Licenses & Inspections.<sup>24</sup> This work may have been performed by an unlicensed and unqualified plumber. It has been my experience that a bona-fide Registered Master Plumber would be reluctant to perform this work without the requisite plumbing permit, as the penalties range from a monetary fine up to the revocation of his license and imprisonment.<sup>25</sup>

A leading potential source of the malodor observed by the plaintiff and her guests was a natural gas leak at the old domestic hot water heater. Natural gas, in its purest form, is odorless and colorless. Natural gas refiners mix an odorant from a class of chemicals called mercaptans<sup>26</sup> into

---

<sup>17</sup> Ibid., page 58, ff.

<sup>18</sup> Ibid., pages 56 and 186

<sup>19</sup> Ibid., pages 59 and 61

<sup>20</sup> The technical term is *trap seal*.

<sup>21</sup> Ibid., page 198

<sup>22</sup> Ibid., pages 78 and 79

<sup>23</sup> Ibid., pages 140 and 141

<sup>24</sup> Ibid., page 160

<sup>25</sup> Memorandum of Law, Swartz Campbell, LLC, August 11, 2010

<sup>26</sup> BUCKLEY EXHIBITS, page 142

the gas prior to distribution through the pipelines. This odorant is used to warn of gas leaks. The characteristic odor of this mercaptan is similar to rotting cabbage or even *sewer gas*. Individuals with a reasonably healthy sense of smell will notice a strong odor at a natural gas concentration as low as .5% to 1%.<sup>27</sup> This low concentration of natural gas is well below the Lower Explosive Level (LEL) of natural gas, which is 5%.<sup>28</sup> This slow leak of natural gas could have dispersed throughout the residence by natural drafts and air currents. Fortunately, the concentration levels did not reach the LEL. There were many sources nearby to ignite the gas, including the standing pilot flames on the domestic hot water heater and the building heating boiler. A serious explosion and fire could have resulted.

The kitchen appears to have been recently renovated.<sup>29</sup> Stated again, there are no permits (plumbing, building, or electric) on file for this work with Licenses & Inspections.<sup>30</sup> The kitchen sink waste pipe is not properly vented. An unvented kitchen sink trap could be siphoned dry, thus permitting odors and gases from the waste pipe and house drain to enter the room through the sink drain opening. A dry kitchen sink trap could have been a source of the malodor observed by the plaintiff.

A waste pipe in the basement rear seems to indicate there previously existed another plumbing fixture somewhere in the vicinity of the kitchen. That waste pipe has been cut and capped.<sup>31</sup>

A fixture trap<sup>32</sup> is a dip in the drain piping at the fixture which catches and holds an amount of water with the intended purpose of sealing off the drain, thus preventing malodorous gases in the drainage piping from escaping through the fixture into the room. An improperly vented drain pipe will cause the water which should remain in the trap to be sucked down the drain by syphonic action (a vacuum), thus leaving the drain piping open to the room and allowing odors to escape. The Philadelphia Plumbing Code, and other plumbing codes, have specific requirements as to how soil and waste pipes are to be vented.<sup>33</sup>

In the rear of the first floor, in an area which was originally a back porch, I discovered an apartment, complete with a kitchenette and full bathroom.<sup>34</sup> None of the plumbing fixtures in this apartment meet the venting requirements of the Philadelphia Plumbing Code.<sup>35</sup> Additionally, the domestic clothes washer standpipe (drain) is not trapped,<sup>36</sup> thus freely permitting drainage piping gases and malodors to freely escape into the room.

---

<sup>27</sup> Telephone conversation with Patrick Rafferty, Certified Industrial Hygienist, August 4, 2010

<sup>28</sup> BUCKLEY EXHIBITS, page 145

<sup>29</sup> *Ibid.*, pages 87 and 88

<sup>30</sup> *Ibid.*, page 160

<sup>31</sup> *Ibid.*, page 69

<sup>32</sup> *Ibid.*, page 165

<sup>33</sup> *Ibid.*, pages 169 and 172

<sup>34</sup> *Ibid.*, page 89, ff.

<sup>35</sup> *Ibid.*, page 70

<sup>36</sup> *Ibid.*, pages 91 and 93



Because this apartment's plumbing does not comply with the City of Philadelphia Plumbing Code it is doubtful that plumbing, electric, and building permits were obtained for the work. Further, the letter from the L&I Commissioner's office indicates the building is zoned as R-9, single family dwelling.<sup>37</sup> This would indicate the apartment is an illegal construction.

Observed in the kitchenette of this apartment was a 20 lb. liquefied petroleum (propane) cylinder connected to a gas stove intended for outdoor use.<sup>38</sup> It is generally known that these types of stoves emit carbon monoxide, a gas which is highly toxic to humans and animals. Results to such exposure range from illness to death. The stove evidenced use as recently at the morning prior to my investigation.

Liquefied petroleum gas, like natural gas, is mixed with the tracer odorant mercaptan. A leak at this tank is another potential source of the malodor observed by the plaintiff.

Recent plumbing repairs were noted outside. Two area drains at the side of the house were replaced,<sup>39</sup> and the fresh air inlet cover had been replaced.<sup>40</sup> None of this work appears to have been performed by a Registered Master Plumber.<sup>41</sup>

Like all buildings within the City of Philadelphia, this building is equipped with a house trap.<sup>42</sup> A house trap is a pipe fitting which is installed in the house drain pipe at the curb, usually some 6 feet, or so, below the sidewalk, and is intended to prevent sewer gasses from the public sewer from backing up into the building piping system. Evidence that such a house trap exists at 4506 Mulberry Street can be seen in the photograph of the fresh air inlet on the front sidewalk.<sup>43</sup> Since there is no indication in plaintiff's deposition testimony that the building was unoccupied for any period during her ownership, it is reasonable to assume that the house trap was continuously filled with liquid,<sup>44</sup> as the result of plumbing fixture usage, and all sewer gasses originating from the public sewer were sealed off from entering her house. **Gasses from the city public sewer could not have entered the plaintiff's premises**, unless the house trap had deteriorated to the point of collapse, which would have required excavation and replacement of the fitting.

Upon conclusion of my plumbing investigation I proceeded to install an exemplar (*sample* or *replica* model) satellite antenna in the same location used by DirecTV in September, 2007.<sup>45</sup> I was observed at the roof performing the installation by Patrick Rafferty.<sup>46</sup>

---

<sup>37</sup> Ibid., page 160

<sup>38</sup> Ibid., pages 98, 99, and 149

<sup>39</sup> Ibid., pages 84 and 85

<sup>40</sup> Ibid., page 81

<sup>41</sup> Ibid., page 160

<sup>42</sup> Ibid., pages 164 and 170.

<sup>43</sup> Ibid., page 81

<sup>44</sup> The trap seal (water) in unused traps will tend to evaporate, allowing odors from the piping to escape into the room.

<sup>45</sup> BUCKLEY EXHIBITS., page 104, ff.

<sup>46</sup> Ibid., page 118

My exemplar satellite antenna was obtained from the current regional manager of DirecTV, Mike Walker.<sup>47</sup> Mr. Walker and one of his staff personally hand delivered it to my office. Mr. Walker confirmed he checked the company's computer system and verified that the model supplied was exactly the same model as the one installed at the plaintiff's premises in September, 2007.

Installation began with the attachment of an mounting bracket to the edge of the stack vent.<sup>48</sup> An overhead photograph<sup>49</sup> clearly indicates the adaptor does not significantly obstruct the free air opening of the stack vent. Next I installed the satellite antenna to the mounting bracket and rotated the antenna to approximate the direction in which the current installation was positioned (where it was relocated by DirecTV on April 17, 2009).<sup>50</sup>

The exemplar satellite antenna installation did not block the fresh air opening of the stack vent.

I continued my examination of the exemplar satellite antenna at my office.<sup>51</sup> Using a short length of 4 inch pipe (to simulate the stack vent pipe) I manipulated the satellite antenna attachment in various configurations. ***It was impossible to block the free air opening of the pipe with the satellite antenna or its mounting bracket.***

I prepared a sketch of the stack vent, showing the attachment of the mounting bracket.<sup>52</sup> On that sketch I have indicated calculations of the stack vent free air opening area, and the area of the mounting bracket which obstructs the stack vent. The adaptor reduces the free air opening area by 2.12%, an amount which is insignificant. While the Philadelphia Plumbing Code requires a full sized venting system (i.e., a 4 inch stack or house drain requires a 4 inch vent), other plumbing codes, most notably the ICC Plumbing Code,<sup>53</sup> which is used in other jurisdictions of the Commonwealth and most areas of the U.S., would permit a vent size of 2 inches. My point is stated: this nominal 2.12% obstruction of the stack vent does not diminish in any way the intended function of the stack vent.

Plaintiff, in her deposition, testified that the weatherization contractor from the City of Philadelphia informed her that the placement of the satellite antenna was causing the smell in her house, even though he never actually climbed to the roof to closely examine the installation.<sup>55</sup>

---

<sup>47</sup> Ibid., page 174, ff.

<sup>48</sup> Ibid., pages 104 and 111

<sup>49</sup> Ibid., page 112

<sup>50</sup> Ibid., pages 113, 114 and 108

<sup>51</sup> Ibid., page 120, ff.

<sup>52</sup> Ibid., page 126

<sup>53</sup> Ibid., page 173

<sup>55</sup> Ibid., page 13

Plaintiff's photographs of this installation<sup>56</sup> are insufficient to establish fact that the satellite antenna was blocking the stack vent. The weatherization contractor's opinion is mere speculation.

When examining my photograph of the exemplar satellite antenna taken from the ground on July 27, 2010, placed adjacent to plaintiff's photograph,<sup>57</sup> it would appear *from the ground* that the satellite antenna may be blocking the stack vent. However, when I viewed the stack vent pipe opening from my position *up on the roof*<sup>58</sup> it was quite evident that the satellite antenna was not blocking the pipe opening.

Walter Victor was the DirecTV manager at the time of the satellite antenna installation at plaintiff's residence. In his deposition of May 4, 2010, Mr. Victor states, "There's no way that that dish mounted on the—the way it's mounted can cause the fumes to back up."<sup>59</sup> I agree with Mr. Victor's statement.

Plaintiff, testified in her deposition that the malodor continued *after* DirecTV relocated the satellite antenna to the opposite side of the building.<sup>60</sup> At the advice of family, she hired S.R. Home Improvement on April 22, 2009, to clean the pipe.<sup>61</sup>

On the Job Invoice issued by S.R. Home Improvement, they state, "Remove and replace ventilation pipe / Damaged due to DirecTV which installed a disk into the pipe. / Pipe must be replace [*sic.*] because of sewer gasses returning into the house".<sup>62</sup> Plaintiff testified that the satellite antenna had already been relocated by DirecTV prior to the arrival of S.R. Home Improvement.<sup>63</sup> S.R. Home Improvement had no first hand knowledge of the satellite antenna installation on the stack vent, and their statement is mere conjecture, without the benefit of personal knowledge when the original installation was in place.

Further, it is evident from my examination of the Job Invoice that S.R. Home Improvement is not a Registered Master Plumber. There is no plumbing registration number indicated on the Job Invoice (a City requirement), and their incorrect naming of the stack vent as a "ventilation pipe" would suggest lack of professional plumbing knowledge and competency.

It was confirmed in Plaintiff's deposition testimony<sup>64</sup> that staff from S.R. Home Improvement did not replace any pipe, as they indicated they did on their Job Invoice.

---

<sup>56</sup> Ibid., page 119

<sup>57</sup> Ibid.

<sup>58</sup> Ibid., page 113

<sup>59</sup> Deposition of Walter Victor, May 4, 2010, page 17, line 20

<sup>60</sup> BUCKLEY EXHIBITS, page 29

<sup>61</sup> Ibid., pages 30 and 52

<sup>62</sup> Ibid., page 52

<sup>63</sup> Ibid., page 30

<sup>64</sup> Ibid., page 33

Plaintiff further testified that in the 40 years she owned the property, she never had the sewer line cleaned.<sup>65</sup> It was noted earlier in my report that recently there were plumbing repairs to the house trap's fresh air inlet<sup>66</sup> and two side area drains.<sup>67</sup>

Plaintiff's counsel, Mr. Daniel Sansoni, Esquire, engaged a Mr. Scott Rawlings, of the Philadelphia firm of Pillar to Post Philadelphia, LLC. His reports, dated November 20, 2009,<sup>68</sup> and June 22, 2010, were provided for my examination.

Examination of Mr. Rawlings's curriculum vitae indicates no City of Philadelphia Master Plumber's license, nor any other credential qualifying his opinion in the area of plumbing. The reports do not include the City of Philadelphia's required plumbing registration identification.

Throughout both reports, Mr. Rawlings demonstrates his lack of plumbing knowledge and qualifications by identifying the subject piece of pipe as

- "main waste drain pipe"<sup>69</sup>
- "waste drain vent pipe"
- "exhaust vent pipe"<sup>70</sup>
- "exhaust pipe"
- "main waste drain vent exhaust pipe"
- "main waste drain vent stack"<sup>71</sup>
- "home exhaust pipe"

The correct name for this piece of pipe is *stack vent*.<sup>72</sup>

At the conclusion of both of his reports, Mr. Rawlings indicates that DirecTV violated City of Philadelphia and State [*sic*.<sup>73</sup>] of Pennsylvania laws. However, Mr. Rawlings provides no specifics what the violations are. I am unaware of any such violations relating to the DirecTV satellite antenna installation, including any violations of the City of Philadelphia Plumbing Code, excerpts of which Mr. Rawlings attached to his first report, but makes no notations thereon.

Mr. Rawlings lacks a fundamental understanding of the function of a stack vent. At various places in his reports he indicates the purpose of the stack vent is to release sewer gasses into the atmosphere. The Philadelphia Plumbing Code indicates that the purpose of a vent is to protect

---

<sup>65</sup> Ibid.

<sup>66</sup> Ibid., page 81

<sup>67</sup> Ibid., pages 84 and 85

<sup>68</sup> Ibid., page 127, ff.

<sup>69</sup> Ibid., page 127

<sup>70</sup> Ibid., page 128

<sup>71</sup> Ibid., page 134

<sup>72</sup> Ibid., pages 165, 167, and 119.

<sup>73</sup> Should be *Commonwealth*

the trap seal.<sup>74</sup> The internationally recognized ICC Plumbing Code, enforced in most other jurisdictions of the Commonwealth of Pennsylvania, provides an even clearer explanation.<sup>75</sup> In layman’s terms, the purpose of venting a fixture trap is to prevent the outrush of water from sucking the trap dry.<sup>76</sup> A dry, or empty fixture trap, will allow odors and gases from the waste pipe, soil pipe,<sup>77</sup> or house drain to enter the room through the fixture drain opening.

In Mr. Rawlings’s reports there is no indication he actually climbed up onto the roof to examine the stack vent. Mr. Rawlings first indicated he actually visited the property in his supplementary report of June 22, 2010,<sup>78</sup> *seven months* after his first report. All of his claims that the satellite antenna blocked the stack vent are based solely upon his review of plaintiff’s ground level photographs<sup>79</sup> and from his own observations from the ground. His claims that the satellite antenna blocked the stack vent are unfounded and based purely upon conjecture.

Furthermore, Mr. Rawlings demonstrates a lack of fundamental knowledge of general construction vocabulary. He incorrectly identifies a *barge* board as a “support beam” and uses the term “side component” to identify the *elevation* of the building.<sup>80</sup>

Attempting to impress the reader with his structural engineering and carpentry knowledge, in his supplementary report, Mr. Rawlings opines on the reinstallation by DirecTV of the satellite antenna on the side barge board of the house, claiming this re-installation still poses a risk to the occupants of the house.<sup>81</sup>

While conducting my site investigation, I, likewise, examined this re-installation of the satellite antenna.<sup>82</sup> While it is not a work of art, it is securely attached, and does not pose any danger to the occupants of the house.

Further attempting to promote his knowledge of plumbing, Mr. Rawlings continues to report in his supplementary report “Drain pipes in basement are satisfactory”.<sup>83</sup> These are some of the

---

<sup>74</sup> BUCKLEY EXHIBITS, page 169

<sup>75</sup> Ibid., page 172

<sup>76</sup> While the ICC Plumbing Code indicates that exhausting of gases is a function of the venting system, it is only a minor purpose. It should be noted that revisions in the forth coming ICC Plumbing Code 2012 will permit the usage of an *air admittance valve* fitting. This is a device with a rubber check valve, which permits air to flow into the piping system, thus breaking the syphonic action acting upon the trap seal, but prohibits gas discharge from the vent. This fitting will permit installation of venting where it is inconvenient to terminate the vent stack or stack vent at the outdoor atmosphere. This information was noted in a recent article published in PM Engineer magazine.

<sup>77</sup> A waste pipe is connected to a fixture such as a sink, bathtub, shower, or lavatory (bathroom hand sink), A soil pipe is connected to a water closet (toilet).

<sup>78</sup> BUCKLEY EXHIBITS, page 134

<sup>79</sup> Ibid., page 48

<sup>80</sup> Ibid., page 128

<sup>81</sup> Ibid., page 138

<sup>82</sup> Ibid., page 108

<sup>83</sup> Ibid., page 139

same pipes which I identified earlier in my report which were unvented, and probably installed without any plumbing permit.<sup>84</sup>

## CONCLUSIONS AND OPINIONS

Having reviewed the facts in this case I have reached the following conclusions and opinions:

1. The satellite antenna which defendant DirecTV installed on the stack vent of plaintiff's premises in September, 2007, could not possibly have blocked the stack vent and caused the build-up of sewer gases inside the dwelling for the reasons stated.
2. There were numerous other possible causes and origins of any malodorous gasses observed by plaintiff inside the dwelling for the reasons stated.
3. Mr. Scott Rawlings, is not qualified as a plumbing or construction expert in this case for the reasons stated .

All of the opinions expressed in this report are expressed with a reasonable degree of plumbing, electrical, carpentry, and construction management certainty. I reserve the right to supplement this report upon receipt of further information.

If you have any further questions please do not hesitate to contact me.

Sincerely,

MARLIN E. BUCKLEY, P.C.

BY: 

Marlin E. Buckley  
Managing Principal

City of Philadelphia Registered Master Plumber No. 13214 (seal press #4197))  
City of Philadelphia licensed Electrical Contractor No. 15303

---

<sup>84</sup> Ibid., page 70

## EXHIBITS

# Table of Contents

Deposition of Sybil O’Neil, May 4, 2010, partial.....	1
Site investigation photographs by Marlin Buckley, July 27, 2010.....	53
Photograph by Patrick Rafferty of Marlin Buckley on ladder, July 27, 2010.....	118
Photographs by plaintiff and Marlin Buckley of satellite dish installations.....	119
Photograph of exemplar prepared by Marlin Buckley, August 5, 2010.....	120
Plan View of Stack Vent Pipe sketch.....	126
Plaintiff’s expert report, Scott Rawlings, November 20, 2009.....	127
Plaintiff’s supplementary expert report, Scott Rawlings, June 22, 2010.....	134
Photograph by Patrick Rafferty of new domestic hot water heater, July 27, 2010.....	140
E-mail excerpt from Patrick Rafferty, July 30, 2010.....	142
Material Safety Data Sheet, methane, BOC Gases.....	143
Cast Iron Double Burner Propane Stove, product information.....	149
Philadelphia Water Department record search report.....	150
Philadelphia L&I Commissioner’s office letter.....	160
Plumbing Code, City of Philadelphia, partial.....	161
International Plumbing Code, partial.....	171
Satellite dish assembly photographs by Marlin Buckley, June 24, 2010.....	174
Installation Manual for DIRECTV Satellite Dish Antenna.....	182
Installation instructions for Zoeller packaged sewage ejector pump.....	186
Pipe label photograph by Patrick Rafferty, July 27, 2010.....	198
Curriculum Vitae, Marlin E. Buckley.....	199
Testimony and Expert Work, Marlin E. Buckley.....	205



City of Philadelphia, Registered Master Plumber license, Marlin E. Buckley.....211  
City of Philadelphia, Licensed Electrical Contractor license, Marlin E. Buckley.....212

IN THE COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY, PENNSYLVANIA

- - -  
SYBIL O'NEIL : APRIL TERM, 2009  
:  
v. :  
:  
DIRECTV, INC. : NO. 2939  
- - -

May 4, 2010  
- - -

Oral deposition of SYBIL O'NEIL, taken pursuant to notice, was held at the law offices of DANIEL SANSONI, ESQUIRE, 8040 Roosevelt Boulevard, Suite 218, Philadelphia, Pennsylvania 19152, commencing at 3:23 p.m., on the above date, before Cindy Parker, a Professional Court Reporter and Notary Public in and for the Commonwealth of Pennsylvania.

- - -  
MAGNA LEGAL SERVICES  
Seven Penn Center  
1635 Market Street - Eighth Floor  
Philadelphia, Pennsylvania 19103  
(866) 624-6221

1 APPEARANCES:

2

3

DANIEL SANSONI, ESQUIRE

8040 Roosevelt Boulevard

4

Suite 218

Philadelphia, PA 19152

5

(215) 333-7790

Representing the Plaintiff

6

7

8

SWARTZ CAMPBELL, LLC

9

BY: MICHELE E. TURNER, ESQUIRE

115 North Jackson Street

10

Media, PA 19063

(610) 566-9222

11

Representing the Defendant

12

13

14

15

- - -

16

17

18

19

20

21

22

23

24



1 MS. TURNER: Off the record.

2 - - -

3 (Discussion off the record  
4 occurred.)


5 - - -

6 BY MS. TURNER:

7 Q. After September of 2007, did  
8 you notice anything unusual in your home?

9 A. Yes.


10 Q. And what was it that you  
11 noticed?

 12 A. It was a very terrible smell  
13 that was coming from the basement.

14 Q. When did you first notice  
15 the smell coming from the basement?

16 A. It was after they had put  
17 that thing -- I didn't know -- now, I did  
18 not know the smell was coming -- I don't  
19 know where it was coming from.

20 Q. I understand that.

21 A. I just notice the smell in  
22 the house, and it was just disgusting.  
23 You couldn't -- like, you couldn't catch  
 24 your breath. Everybody that come in used

1 to say, "What is that smell? What smell  
2 like that?" And I keep telling people,  
3 "I don't know what it is."

4 Now, it will take me a while  
5 to just explain to you what happened.  
6 And this smell started coming, and I  
7 didn't know what it was. Some people say  
8 it might be the toilet. I told her, "It  
9 does smell like the toilet."

10 So I started to buy Drano  
11 and, you know, plunge the toilet. I also  
12 went and get a snake for the outside  
13 thinking it's the drain causing the house  
14 to smell like that. Now remember, I  
15 didn't know anything about what was  
16 causing it.

17 Q. No, I understand that.

18 A. I just thought it was the  
19 toilet or something, backup or something.

20 Q. Now, how soon after the  
21 satellite dish was installed did you  
22 start to notice the smell? That's my  
23 question right now.

24 A. Oh, your question right now

1 is -- it was installed. But as I say, I  
2 didn't know it was that; so I can't tell  
3 you when it started to smell after they  
4 put that there because I didn't know it  
5 was that.

6 Q. So you can't tell me exactly  
7 when you started to notice the smell; is  
8 that correct?

9 A. It was in that year.

10 Q. In 2007?

11 A. In 2007. After they install  
12 it I was getting that smell.

13 Q. Right.

14 A. But I had no idea it was  
15 from that because I didn't even know  
16 where they put it.

17 Q. I understand.

18 Miss O'Neil, listen to my  
19 question. My question is: Can you tell  
20 me exactly when you first noticed the  
21 smell?

22 A. I can't tell you what day or  
23 what month I smell.

24 Q. That's my question.

1 A. Yes, I cannot.

2 Q. So your answer to my  
3 question is: You can't tell me when you  
4 first noticed the smell?

5 A. Right, because I didn't keep  
6 a record of it. I don't know.

7 Q. Understood.

8 You said the smell was  
9 coming from the basement?

10  A. Yes. In the whole house.

11 Q. Was it stronger in the  
12 basement than it was upstairs or --

13 A. It was strong all over the  
14 house; in the kitchen, everywhere.

15 Q. So it smelled the same all  
16 over the house?

17 A. All over the house.

18 Q. Did you notice whether there  
19 were occasions when the smell seemed to  
20 be stronger or weaker?

21 A. Yes.

22 Q. And when did you notice that  
23 the smell seemed to be stronger?

24 A. When you flushed the toilet.



1           Q.       When you flushed the toilet  
2 the smell became stronger?

3           A.       Became stronger.

4           Q.       Anything else that you did  
5 or -- strike that.

6                    Were there any other  
7 occasions where you noticed the smell  
8 would become stronger?

9           A.       As I said, when you flush  
10 the toilet.

11          Q.       Besides flushing the toilet.

12          A.       Well, it was just a constant  
13 thing. It smell at all times.

14          Q.       Did Crystal, Sherwin,  
15 Angela, and the grandchildren notice the  
16 smell?

17          A.       Oh, yes.

18                    Can I tell you what they  
19 used to say?

20          Q.       Sure.

21          A.       They used to say, "This  
22 house stink. This house stink." They  
23 didn't want to eat anything there. The  
24 neighbor kids would come in and say,

1 for the weatherization, as I said before.  
2 And it took them a while, but they send  
3 somebody out.

4 Q. So you called the City for  
5 weatherization before all of this -- all  
6 of these issues with the satellite dish  
7 occurred?

8 A. No. It was while the --  
9 they already put that in when I called,  
10 but I didn't call them -- I just call  
11 them for the weatherization program.

12 Q. Understood.  
13 So when did you make that  
14 call, do you know?

15 A. It was, I would say, in '08  
16 or '07. I really can't remember.

17 Q. So you called the City for  
18 weatherization services?

19 A. Yes.

20 Q. And did they, in fact, come  
21 out?


22 A. Yes.

23 Q. Who came out?

24 A. A gentleman that wrote that


1 note.

2 Q. Why did he write you this  
3 note?




4 A. Because when he walked in  
5 the door, he said, "What is this smell?"  
6 And then I explained to him that this is  
7 going on for over a while. I said, "It's  
8 just a smell and I'm embarrassed and it's  
9 very bad." And he said, "What is it?"  
10 And I said, "I don't know."

11 And then he went to the  
12 basement and he look around in the  
13 basement. He look upstairs. He did a  
14 lot of looking around and he couldn't  
15 find anything. And then he went outside  
16 and he looked up there. I didn't even  
17 know he was out there. I thought he was  
18 still in the basement.



19 But he went out and looked  
20 up there and then he came and called me  
21 and said, "Come here." And when I went  
22 out, he point up to it and he said, "You  
23 see the way they put that satellite?  
24 It's in your exhaust pipe," he say, "and



1 that is what's causing the smell in your  
2 house."

3 Q. Do you know the name of this  
4 City person who came out to your house?

5 A. All I know is that he is  
6 from the weatherization. I don't know.

7 Q. So the person that came to  
8 your house from the City --

9 A. He is an inspector. I know  
10 that.

11 Q. You have to let me finish my  
12 question.

13 A. Okay.

14 Q. -- he's an inspector for the  
15 weatherization program?

16 A. Yes. They send him out, so  
17 he is, yeah.

18 Q. What telephone number do you  
19 dial to arrange for weatherization  
20 services to the City?

21 A. I really don't know. I have  
22 to look up -- I have some pamphlets home.  
23 They have numbers for weatherization. If  
24 I have any -- I have to look that up. I

1 don't know.

2 MS. TURNER: Counsel, I'm  
3 going to make a formal request to  
4 produce, aside from this, I'd like  
5 to alert you to the fact that I  
6 would like those documents, those  
7 pamphlets.

8 BY MS. TURNER:

9 Q. If you have those pamphlets,  
10 ma'am, I am asking that you give them to  
11 your attorney and I would like to see  
12 them.

13 A. Okay. For the phone number  
14 for weatherization?

15 Q. Correct.

16 Can you describe the  
17 inspector for me in any way?

18 A. Yes. He was short, a short  
19 person. I think he was -- he had an  
20 accent, I think. Yes, I think he had an  
21 accent.

22 Q. Did he give you a business  
23 card?

24 A. No.

1 Q. Had he ever been to your  
2 house before for weatherization?

3 A. Not that I know of, no.


4 Q. This was the first time you  
5 saw this particular inspector?

6 A. First time I saw, yes.

7 Q. How long was he at your  
8 house that day?

9 A. He must be there about a  
10 half hour.

11 Q. Do you know whether he  
12 actually went up on the roof to look --

13  A. No, he did not, no.

14 Q. So he told you to come  
15 outside, pointed to the satellite dish --

16 A. Yeah.

17 Q. -- and told you what the  
18 problem was, correct?

19 A. Yes.

20 Q. And he did that from on the  
21 ground?

22 A. Yes.

23 Q. Did he make any suggestions  
24 to you about what you should do?

1           A.       He told me to call up  
2 DirecTV and let them know that they put  
3 that satellite in the exhaust pipe, and  
4 that is what's causing all the smell in  
5 the house.

6           Q.       Did the inspector say  
7 anything else to you while he was at your  
8 home?

9           A.       About?

10          Q.       About anything.

11          A.       He just told me when they  
12 will come out to do the weatherization  
13 job, like to do the windows and the  
14 doors. And he said it would take a while  
15 before they come back to get it  
16 installed.

17          Q.       Your house had been  
18 weatherized before this time, correct?

19          A.       It was, but I don't know how  
20 long ago it was.

21          Q.       So other than the  
22 conversation we've already discussed, did  
23 the inspector from the City say anything  
24 else to you about anything while he was

1 at your house that day?

2 A. No.

3 Q. Okay. And was it just one  
4 person that came from the City --

5 A. Yes.

6 Q. -- from the weatherization  
7 department?

8 A. Yes.

9 Q. Other than this note  
10 which --

11 MS. TURNER: Off the record  
12 for one second.

13 - - -

14 (Discussion off the record  
15 occurred.)

16 - - -

17 (Whereupon, Exhibits  
18 O'Neil-1 through O'Neil-4 were  
19 marked for identification.)

20 - - -

21 BY MS. TURNER:

22 Q. Miss O'Neil, I'm going to  
23 show you what I just had marked as  
24 O'Neil-1 and ask you if you know what



1 that is (handing).

2 A. DirecTV. This is what the  
3 inspector wrote.

4 Q. And it appears that on the  
5 bottom of that it says "causing bad  
6 smell."

7 A. Causing bad smell.

8 Q. And it looks like there's --  
9 it's cut off.

10 Did the inspector write  
11 anything below the sentence "causing bad  
12 smell"?

13 A. No. I think it was an  
14 envelope, and I tear the piece of  
15 envelope off to give him the piece of  
16 paper to write that on.

17 Q. Why did you give him the  
18 piece of paper to write on?

19 A. Because I wanted him to say  
20 what was causing the smell. And the  
21 reason why I did it is because, as I  
22 said, I never knew what was causing the  
23 smell; so by he telling me what caused  
24 the smell, I just wanted to make sure

1 that he knew why I was having that smell.

2 Q. When you asked him to write  
3 that note that you had --

4 A. No. I'm sorry. I didn't  
5 even ask him to write it. He told me to  
6 call DirecTV -- it's been so long you  
7 forget. He told me give him a piece of  
8 paper and he will write on it that I can  
9 call DirecTV to tell them what they did  
10 and why the smell was like that in the  
11 house.

12 So that was the reason. He  
13 told me -- because I will not remember to  
14 tell DirecTV how he stated here. I may  
15 not remember to tell them in that way, so  
16 he did this for me to remember what to  
17 tell them when I called.

18 Q. So he did that on his own?

19 A. On his own.

20 - - -

21 (A discussion off the record  
22 occurred.)

23 - - -

24 BY MS. TURNER:

1           Q.       You wanted to finish a  
2 response?

3           A.       Yes.    So this is what he  
4 said to me:    "I write it down so you  
5 remember what to tell DirecTV."   And then  
6 I went and give him the envelope and tear  
7 that piece of paper off and give it to  
8 him, and so he wrote that.

9           Q.       And the City inspector did  
10 not leave you with a business card or any  
11 documentation that would allow me to know  
12 who he was; is that correct?

13          A.       No.    I didn't ask him.   They  
14 don't give you one unless maybe you ask.

15          Q.       Understood.  
16                    What did you do after you  
17 got that information from the City  
18 inspector?

19          A.       I called DirecTV the very  
20 same day.

21          Q.       Do you know what number you  
22 dialed?

23          A.       Well, I think it's 1(800)  
24 DIRECTV.   That's how you get them; 1(800)

1 DIRECTV.

2 Q. Do you recall who you spoke  
3 to?

4 A. No.

5 Q. What did you tell the person  
6 who answered the telephone?

7 A. There was a lady that  
8 answered. And I told her -- I said I was  
9 just informed that you all install that  
10 dish into my sewage pipe, what you call  
11 it, a pipe. And then she said to me they  
12 will come and remove it, because I tell  
13 her to come.

14 This is what I told her: I  
15 said, "Please come and remove this  
16 satellite from my pipe because it's  
17 having a bad smell in here and I'm sick  
18 of this smell for over a year and a half.  
19 And I never knew it was that until the  
20 inspector told me about it." So then she  
21 told me she going to come and remove it,  
22 but I have to pay her \$35 to remove it.

23 Q. When did you make this phone  
24 call?

1           A.       The same day the inspector  
2 left.

3           Q.       What day did the inspector  
4 come out?

5           A.       I don't know.

6           Q.       You don't know whether it  
7 was '08 or '09?

8           A.       It was in '08. I think it  
9 was in '08. I'm not sure but -- I am not  
10 sure it was in '08.

11          Q.       And this woman told you  
12 about a \$35 fee?

13          A.       Yes, to remove it. And my  
14 answer to her was: "I'm not paying  
15 nothing to move that from there because  
16 you all put me through a lot of trouble  
17 and a lot of stress for a year and a  
18 half. So I am not going to pay anything  
19 to remove it."

20          Q.       At that point in time did  
21 you think about retaining a lawyer?

22          A.       Not at that day. I didn't  
23 think of that at all. All I know is I  
24 was not going to pay her anything to

1 remove it.

2 Q. Do you know the name of this  
3 woman --

4 A. No.

5 Q. -- who you had this  
6 conversation with?

7 A. I don't.

8 Q. Is she the one who answered  
9 the phone when you called 1(800) DIRECTV?

10 A. Yes.

11 Q. What did the woman say to  
12 you about having someone come back out?

13 A. Well, when I tell her I  
14 wasn't going to pay anything to remove it  
15 and what she put me through for a year  
16 and a half, she said to me, "Okay. We  
17 will send somebody to remove it." And I  
18 did tell her that I'm not paying anybody  
19 to come out and remove it.

20 Q. Did someone come out to  
21 remove it?

22 A. Yes.

23 Q. And how soon after that  
24 phone call did someone come out to remove

1 it?

2 A. It's either the same day or  
3 the next day.

4 Q. And I take it that you gave  
5 this woman your address and your name and  
6 information that would allow her to send  
7 someone out to your house, correct?

8 A. Yes.

9 Q. Was there anybody home with  
10 you when you made this telephone call to  
11 the DirecTV representative to tell them  
12 what the inspector from the City had told  
13 you?

14 A. I can't remember.

15 Q. Okay. I might have asked  
16 you this and I apologize. Was there  
17 anybody home with you when the City  
18 inspector came out from the  
19 weatherization department?

20 A. I don't think so, no.

21 Q. So the DirecTV -- was it  
22 just one person or two people?

23 A. That came to remove it?

24 Q. Yes.

1 A. One person.

2 Q. And were they, in fact, from  
3 DirecTV?

4 A. Yes.

5 Q. Did you see what vehicle  
6 they arrived in?

7 A. Yes. It was a van from  
8 DirecTV.

9 Q. Was it the same kind of van  
10 that you saw when the satellite dish was  
11 originally installed?

12 A. Yes.

13 Q. Do you recall whether there  
14 was just one person that came out to  
15 remove the satellite dish or more than  
16 one person?

17 A. I could remember one person.

18 Q. Can you describe this person  
19 in any fashion?

20 A. Not really, no.

21 Q. Did this person give you a  
22 business card or anything to let me  
23 know --

24 A. They gave me that yellow --



1 that pink paper there.

2 Q. And that's been marked as  
3 O'Neil-3. We're going to get to that in  
4 a second.

5 Other than O'Neil-3, did the  
6 person who came out to remove the dish  
7 give you any other documents?

8 A. No.

9 Q. Did the person that came out  
10 to remove the dish have any conversation  
11 with you?

12 A. Yes. Let me think of what  
13 he said. No, I can't remember what he  
14 said. I know they just moved it and put  
15 it on the side of the house.

16 Q. Okay. Did you keep what  
17 they removed and put on the side of the  
18 house?

19 A. It's still there.

20 Q. And what is it that's still  
21 there?

22 A. It's the whole -- that  
23 thing -- round -- what do they call it?  
24 Satellite? That's what they call it?

1 Q. It's the dish?

2 A. A dish, yes.

3 Q. Did they have to remove the  
4 vent pipe as well or is it just the dish?

5 A. No. They just take out the  
6 dish.

7 Q. And the dish is still there  
8 on the side of your house?

9 A. It's still there, yes.

10 MS. TURNER: Counsel, I  
11 would ask that you retain that  
12 dish.

13 Did you hear me?

14 MR. SANSONI: I heard you.  
15 It's still there so I'm not --  
16 retain? I don't know what you  
17 mean by that.

18 MS. TURNER: Well, I would  
19 like you to ensure that nothing  
20 happens to the dish. And I'm not  
21 implying anything by that  
22 statement. It's been there all  
23 this time; nobody's going to come  
24 up and take it, I'm sure. But I

1           just want --

2                       MR. SANSONI:   Can we go off  
3           the record?

4                       -   -   -

5                       (Discussion off the record  
6           occurred.)

7                       -   -   -

8                       MS. TURNER:   Strike that.

9   BY MS. TURNER:

10           Q.       Miss O'Neil, I misunderstood  
11   your response.  When you said it's on the  
12   side of the house, I thought that somehow  
13   the DirecTV people took the dish down and  
14   discarded it.  But they just relocated  
15   it.

16           A.       Exactly.

17           Q.       All right.  So that it's no  
18   longer on the exhaust pipe; they put it  
19   someplace else?

20           A.       On the side --

21           Q.       On the side of the house.

22           A.       -- by the bedroom.  Like  
23   back there -- they put it on there.

24   That's where it should have been in the

1 first place. They put it back there.

2 That's where they should have put it.

3 Q. Now, what conversation did  
4 you have with the DirectTV person when he  
5 came to your house to remove the  
6 satellite dish and put it outside of --  
7 you said it's a bedroom?

8 A. Yes.

9 Q. Outside of which bedroom?

10 A. The back bedroom.

11 Q. Who's in the back bedroom?

12 A. My nephew is there right  
13 now.

14 Q. What is your nephew's name?

15 A. Victor Ross.

16 Q. So Victor now lives with  
17 you?

18 A. No. He just stay -- he's  
19 there for about a month now. He's  
20 staying there. But he isn't there for  
21 long. He's leaving.

22 Q. So Victor was at the house  
23 as of the time the satellite dish was  
24 relocated or he's just there now?

1 A. He just there now.

2 Q. Who was in or residing in  
3 that back bedroom when the satellite dish  
4 was relocated?

5 A. My son was there, Sherwin.

6 Q. So that used to be Sherwin's  
7 room?

8 A. Right.

9 Q. Was there any other  
10 conversation that you had with the  
11 DirecTV person?

12 A. You mean when they moved the  
13 dish? Well, when they move it, I told  
14 him what I'm telling you now; how the  
15 smell was so bad and it cause me a lot of  
16 trouble. And he said they should have  
17 never did that.

18 Q. Besides that statement, did  
19 he say anything else to you?

20 A. Not that I could remember,  
21 no.

22 Q. How long was the DirecTV  
23 person at your house that day, do you  
24 recall?

1           A.       I would say about a half an  
2 hour.

3           Q.       And you recall that it was  
4 just one person that came out to the  
5 house or you're not sure?

6           A.       That's what I remember. I'm  
7 not sure.


8           Q.       Did you have any other work  
9 done to either the satellite dish or the  
10 exhaust pipe after the DirectTV person  
11 came out and relocated the satellite  
12 dish?

13          A.       Yes.

14          Q.       And is that work reflected  
15 on what's been marked as O'Neil-2  
16 (handing).

17          A.       Yes.

18          Q.       How did you know that your  
19 pipe had been damaged?


20          A.       Because it was still   
21 smelling; not as bad, but it was smelling  
22 still. And I talked to family and  
23 friends, and they advised me to get it  
24 cleaned. Because by staying like this

1 for a year and a half, it's a lot of  
2 stuff might be stopping it from really  
3 being free to get the smell out.

4 So I called this person and  
5 he said that he would come and clean it.  
6 This company said they would come and  
7 clean it up.


8 Q. By "this company," you are  
9 referring to S.R. Home Improvement?


10 A. Um-hm.

11 Q. It's the company identified   
12 on what's marked as O'Neil-2.

13 When did S.R. Home  
14 Improvement come out to the house?

15 A. I just can't remember that  
16 really.

17 Q. It says date ordered is   
18 April 22, 2009.

19 A. That's when they removed it.  
20 So as soon as they remove it, he came out   
21 and cleaned it out.

22 Q. So how many people from S.R.  
23 Home Improvement came out to the house?

24 A. I could remember it was two

1 guys in a truck. There was about two or  
2 three of them. I can't remember exactly.  
3 I know one -- it was three. Let's say it  
4 was three of them came out in a truck.

5 Q. How did you find out about  
6 S.R. Home Improvement?

7 A. My -- somebody told me -- a  
8 friend told me about them.

9 Q. Do you recall the names of  
10 any of the folks that came out from S.R.  
11 Home Improvement?

12 A. No.

13 Q. They were all -- two or  
14 three men?

15 A. Yes.

16 Q. How long were they at the  
17 house?


18 A. They must spend about two  
19 hours.

20 Q. When they first got there,  
21 did they tell you what they were going to  
22 do?

23 A. Yes. I told them what  
24 happened.



1 Q. What did you tell them?

2 A. I told them the DirecTV  
3 stuck the satellite in there, and for a  
4 year and a half I had problems. And I  
5 was told now that if they clean it out,  
6 the smell would go away. Because I'm  
7  still getting a little smell; not as bad,  
8 but I was still getting some smell in  
9 there. And they said okay, that's what  
10 they came to do, because my friend called  
11 them up and told them what was happening.

12 Because I was just  
13 devastated. I was just out of it really.  
14 And I couldn't think straight. So my  
15 friend called them and tell them to come  
16 clean it.

17 Q. So your understanding was  
18 that they were going to come and clean  
19 the pipe?

20 A. Yes.

21 Q. Now, here it says -- by  
22 "here" I'm referring to O'Neil-2 --  
23 "Remove and replace ventilation pipe."

24 Did they remove the pipe or

1 did they just clean it out?

2 A. They just clean it out. I'm  
3 not sure.

4 Q. Did they tell you what was  
5 in the pipe or what they cleaned out?

6 A. They said they cleaned it  
7 out. That's what they told me, they  
8 cleaned it out.

9 Q. But they didn't tell you  
10 what they cleaned out of it?

11 A. No, they really didn't.

12 Q. So they cleaned out whatever  
13 was blocking --

14 A. Exactly.

15 Q. -- the pipe?

16 A. Yes.

17 Q. Had you ever had that pipe  
18 cleaned before the folks from S.R. Home  
19 Improvement came out to your house?

20 A. No.

21 Q. So in the 40 years that  
22 you've resided in that house, you never  
23 had the exhaust pipe cleaned?

24 A. Well, weatherization comes

1 out and I don't know what they do. They  
2 do a lot of stuff in the house. But I  
3 don't watch them to see what they do, so  
4 I don't know whether it was done or not.

5 Q. When the weatherization  
6 people come out to your house, do they  
7 give you any documents to tell you what  
8 they've done --

9 A. No.

10 Q. -- at your house?

11 A. All they give is a piece of  
12 paper to sign to say the work was done.

13 Q. Do you keep that piece of  
14 paper or do they take that piece of  
15 paper?

16 A. No. I'm not good at keeping  
17 things. I just misplace them. And it  
18 would be hard for me to find anything  
19 that they gave me.

20 Q. So you don't have any  
21 records for the most recent  
22 weatherization they would have done; is  
23 that correct?

24 A. No. I might have it, but

1 I'll have to look. I doubt it. I don't  
2 know. Because I just not an organized  
3 person. I don't really keep everything,  
4 you know.

5 Q. So your understanding is  
6 they cleaned the pipe and they did not  
7 remove it; is that correct?

8 A. No, they didn't remove it.  
9 They cleaned it.

10 Q. So that same exhaust pipe is  
11 still there?

12 A. Yes.

13 Q. And did the smell go away  
14 after they cleaned the pipe out?

15 A. Yes, it sure did. And I'm a  
16 happy person now to what I was before.

17 Can I say something now?

18 Q. Sure.

19 A. I told my daughter one day,  
20 after the smell was so bad, I told her I  
21 thinking of selling this house and go  
22 somewhere, move. And she said to me,  
23 "Mom, would you buy a house smelling like  
24 this?" And I said, "No." She said,

1 "Well, what makes you think somebody  
2 would buy a house smelling like this?"  
3 And I said, "You are so right." I say,  
4 "I wasn't thinking."

5 Q. So you hadn't thought about  
6 selling the house until you got the  
7 smell, correct?

8 A. Right. It was so bad. And  
9 when it continue -- and the frustrating  
10 part is when I didn't know what -- why it  
11 coming, why the smell, what cause it.  
12 And that was very frustrating to me. I  
13 didn't know what to do.

14 Q. I'm looking at your  
15 Complaint that your attorney filed on  
16 your behalf. Have you ever seen this  
17 document (handing)?

18 A. Let me see it. Yes, yes.

19 Q. There's a paragraph in the  
20 Complaint --

21 MS. TURNER: Counsel, for  
22 your benefit, it is on page 2,  
23 paragraph 9.

24 BY MS. TURNER:


1 Q. -- that says you spent  
2 approximately \$600 for drain cleaning  
3 devices such as liquid sewage control  
4 products and the rental of pipe clearing  
5 devices commonly called snakes.

6 Do you have any of the  
7 receipts for any of those purchases?

8 A. No. I got it from Home  
9 Depot and I never keep -- why I keep the  
10 receipts for?

11 Q. Understood. I just have to  
12 ask the question.

13 Before that it says:

 14 Plaintiff is being charged \$1,070 to  
15 repair the damage to her home by DirecTV  
16 and that the exhaust pipe was badly  
17 damaged.

18 How much did you pay to have  
19 that exhaust pipe cleaned out, do you  
20 recall?

21 A. My son paid for that really.  
22 I didn't. My son paid for it.

23 Q. So your son paid for the  
24 amount of \$1,070 that's reflected on

1 O'Neil-2; is that correct?

2 A. Yes. That's what he told me  
3 he paid for it.

4 Q. Has he ever asked you for  
5 that money back?

6 A. No. He's a good son.

7 Q. I'm going to ask you about  
8 some other lawsuits that you've had.  
9 Before I do that, when did you first  
10 retain Mr. Sansoni?

11 A. About eight years ago.

12 Q. Mr. Sansoni represented you  
13 about eight years ago?

14 A. I would say between seven  
15 and eight, yeah.

16 Q. And for what purpose did you  
17 retain Mr. Sansoni seven or eight years  
18 ago?

19 A. Well, my son had a case  
20 going on and Mr. Sansoni decided to take  
21 the case, and that's how I knew him.

22 Q. When you say your son,  
23 you're referring to Sherwin?

24 A. No. My other son, Selwin.

1 His name is Selwin Jameson.

2 Q. Can you spell that?

3 A. S-E-L-W-I-N J-A-M-E-S-O-N.

4 MR. SANSONI: I'm going to  
5 object to relevance and also  
6 attorney/client privilege.

7 MS. TURNER: I'm not asking  
8 for any privileged information.

9 MR. SANSONI: You can ask  
10 your next question. You're going  
11 down the line here.

12 MS. TURNER: I know where  
13 the line is drawn.

14 MR. SANSONI: We are not in  
15 front of a judge, and these  
16 arguments are made for a judge if  
17 they continue.

18 MS. TURNER: Your objection  
19 is noted.

20 BY MS. TURNER:

21 Q. So your son was represented  
22 by Mr. Sansoni seven or eight years ago?

23 A. Yes.

24 Q. And how is it that you



1 decided you wanted to contact an attorney  
2 with respect to this situation?

3 A. Because he was a very nice  
4 attorney and I like how he handled my  
5 son's case.

6 Q. What gave you the idea that  
7 you wanted to sue? Did you talk to your  
8 family members or did you just come up  
9 with this on your own?

10 A. No. After what I -- after  
11 what I go through, I don't think I should  
12 just leave it like that and don't do  
13 nothing about it. And I talked to family  
14 and friends, and they told me I should  
15 get compensate for something for all this  
16 that I went through. And then I contact  
17 Sansoni.

18 Q. So you want money in order  
19 to be compensated for what you've gone  
20 through, correct?

21 A. Yes, yes.

22 Q. Now, I was doing a little  
23 bit of research, and you sued Acme Market  
24 back in 1996.

1 A. Um-hm.

2 Q. Was that for a slip and  
3 fall?

4 A. Yes.

5 Q. And who represented you in  
6 that case?

7 A. I cannot remember.

8 Q. Okay. And in 1994 you had a  
9 case against the Philadelphia Park  
10 Racetrack. Was that a slip and fall?

11 A. Yes.

12 Q. Do you recall who your  
13 lawyer was for that case?

14 A. No, I don't.

15 Q. And it looks like the  
16 Commonwealth of Pennsylvania sued you in  
17 1986. Do you know what that's about?

18 A. What they sue me for?

19 Q. I don't know.

20 MR. SANSONI: Are you sure  
21 it's her? Objection.

22 MS. TURNER: Well, it says  
23 4506 Mulberry Street.

24 THE WITNESS: What is it, a

1 bank?

2 BY MS. TURNER:

3 Q. I don't know (handing).

4 A. Is it here? I can't see too  
5 good. That's the racetrack. Which one  
6 are you talking about?

7 Q. Let me put a checkmark on  
8 it.

9 A. I don't know who that is.

10 Q. Fair enough. That's fine.

11 A. I don't. I know nothing  
12 about that.

13 Q. Now, in 1994 it looks like  
14 you sued someone else with the last name  
15 of O'Neil. Do you see that (handing)?

16 A. O'Neil? No, that's --  
17 that's not me at all, no. O'Neil? How  
18 could I sue my family?

19 Q. Is says O'Neil versus  
20 O'Neil. I don't know --

21 MR. SANSONI: Probably a  
22 divorce.

23 BY MS. TURNER:

24 Q. It's probably a divorce or

1 something.

2 A. I divorced my husband.

3 Q. Maybe that's what it was.

4 And then in 1997 it says

5 O'Neil versus Creelman?

6 A. What does that mean?

7 Q. I don't know.

8 A. Creelman?

9 Q. Does that sound familiar?

10 A. No.

11 MR. SANSONI: Can I see  
12 this? Does it say Sybil O'Neil?

13 MS. TURNER: Off the record.

14 - - -

15 (Discussion off the record  
16 occurred.)

17 - - -

18 BY MS. TURNER:

19 Q. How has what happened here  
20 affected your life? Could you tell me a  
21 little bit about that?

22 A. Terrible. It was terrible.

23 Q. Do you still have chest  
24 pains today?

1 A. No.

2 Q. You haven't had a chest pain  
3 since November of 2008, correct?

4 A. Yes.

5 Q. Do you still have nausea  
6 today?

7 A. No.

8 Q. And you haven't had nausea  
9 since the smell has gone away?

10 A. No.

11 Q. Is that correct?

12 A. Yes, correct.

13 Q. Between November of 2008 and  
14 today, have you had any follow-up  
15 examinations for the chest pain or  
16 nausea?

17 A. No.

18 Q. So you said that this has  
19 been a terrible thing. Is there anything  
20 else that you want to tell me about how  
21 this claim has affected you?

22 A. It was an experience in my  
23 life to know that I live in my house --  
24 I'm a very clean person, and that really,

1 really got to me because I like  
2 everything clean. And it was terrifying.  
3 I just thought I was nobody because -- my  
4 clothes. When I go out the door, I used  
5 to smell it to see if I smell like that  
6 when I go out because I'm in the house.

7                   And you know if you  
8 have something -- for instance, people  
9 smoke. When you go out, you smell like  
10 smoke. So my mind and me, the house  
11 smelled so bad, I used to think my  
12 clothes smelled. And I would be, you  
13 know, going out, going around other  
14 people, and thinking maybe I smell like  
15 that.

16                   So that is a bad way to  
17 live. I mean, you just think you're not  
18 clean. And that's how I felt for a year  
19 and a half.

20           Q.       Anything else?

21           A.       That's it.

22           Q.       Okay. Just for the sake of  
23 completeness, we've had the photographs  
24 marked as O'Neil-4. The first thing I

1 want to ask you is: Who took these  
2 photographs?

3 A. It was a friend. He's not  
4 here right now though. He was Victor --  
5 not Victor. Felix. He was at the house  
6 and he took those pictures.

7 Q. When did Felix take these  
8 photographs?

9 A. He took that the same day --  
10 when I call them, the day that I call  
11 DirecTV, he took it like a week before or  
12 two or three days before. I can't  
13 remember.

14 Q. So he took the photographs  
15 sometime before you called the woman at  
16 DirecTV?

17 A. Yes.

18 Q. Okay. And sometime after  
19 the City inspector had been to your home?

20 A. Yes.

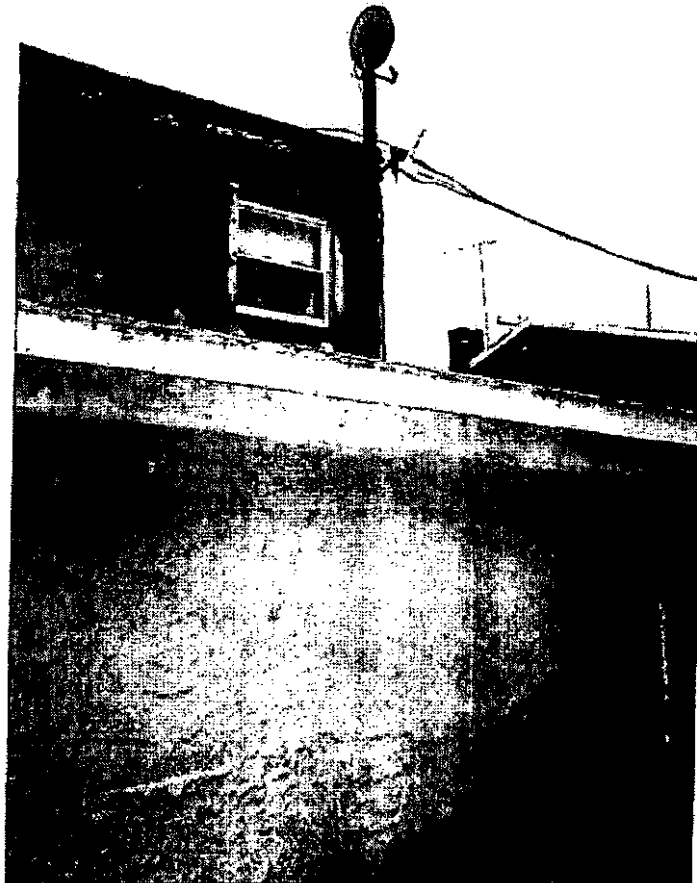
21 Q. What is Felix's last name?

22 A. His name is -- what is it --  
23 David.

24 Q. David?

## Exhibit A





## Exhibit B



## Exhibit C



O'Neil vs. DirecTV 4506  
Mulberry Street,  
Philadelphia, PA 19124

July 27, 2010

MEBPC-MEB

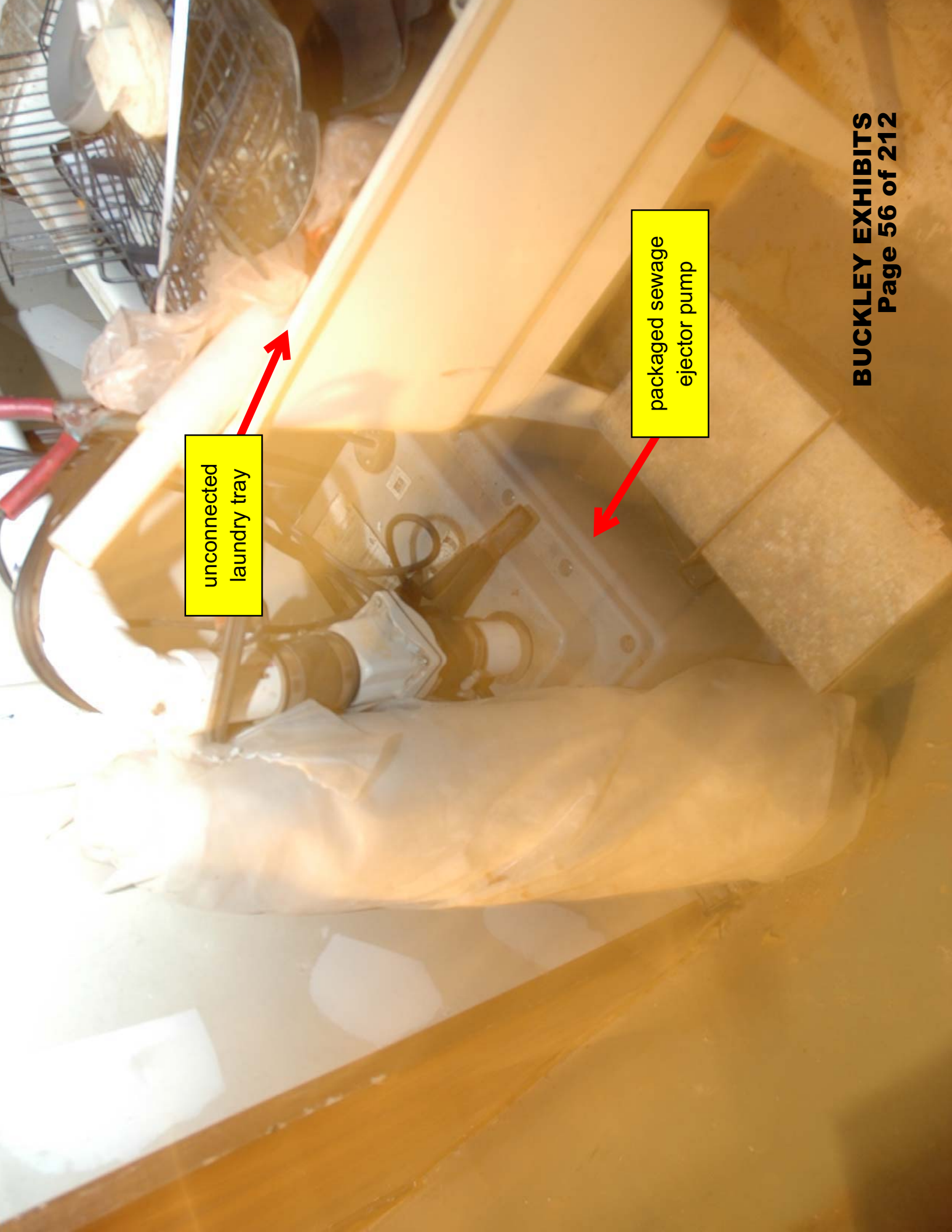
4506

main house drain  
(sewer pipe) exiting  
basement front  
foundation wall









unconnected  
laundry tray

packaged sewage  
ejector pump



basement powder  
room



recently new  
flush valve





recently new  
chrome P-trap



washing machine  
stand pipe (drain)









to side yard area  
drain

# DIRECTV® RECEIVER



Access to over 225 channels of movies, sports,  
music and family programming  
100% digital-quality picture and sound  
on every channel



**ATTENTION:** This receiver is a leased product and is  
property of DIRECTV, Inc. The receiver must be returned  
to DIRECTV in the same condition as DIRECTV, Inc. or substituted  
with an equal or better one. See the return label for details.  
**DO NOT RETURN TO RETAILER.**

Call 1-800-DIRECTV for more information or to schedule  
a professional installation. **PROFESSIONAL INSTALLATION HIGHLY RECOMMENDED.**  
The receiver must be returned to DIRECTV, Inc. in the same  
condition as DIRECTV, Inc. or substituted with an equal or better one.  
See the return label for details. See the return label for details.  
Professional installation is required for all receivers.  
Professional installation is required for all receivers.

DIRECTV hardware and programming sold separately.

DIRECTV® SATELLITE RECEIVER

MODEL NO : D11



RECEIVER ID : 0004 4242 6722

MADE IN CHINA  
MFR CODE : 500

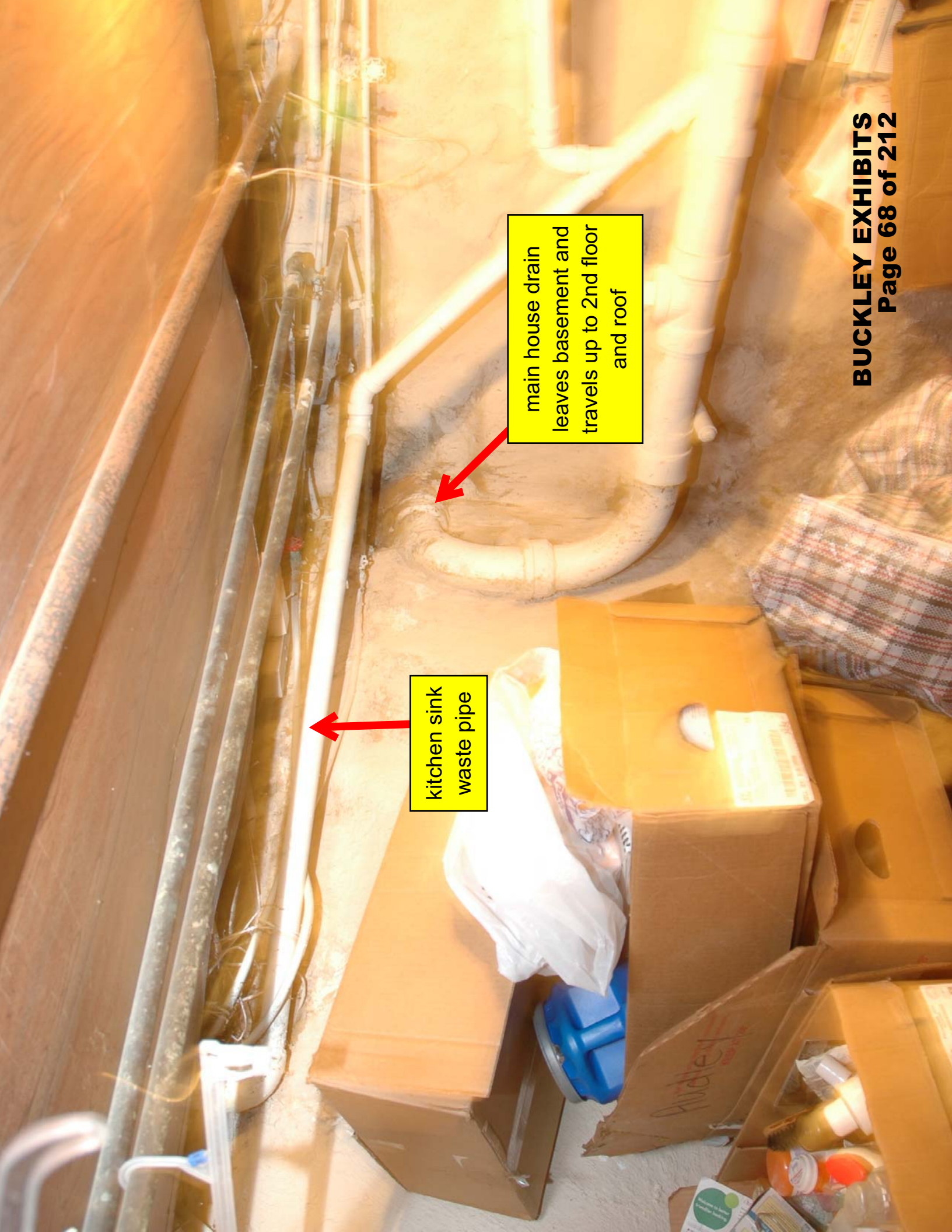
DIRECTV 2230 E. Imperial Hwy.  
El Segundo, CA 90245

# DIRECTV® RECEIVER

rethink the way television should be

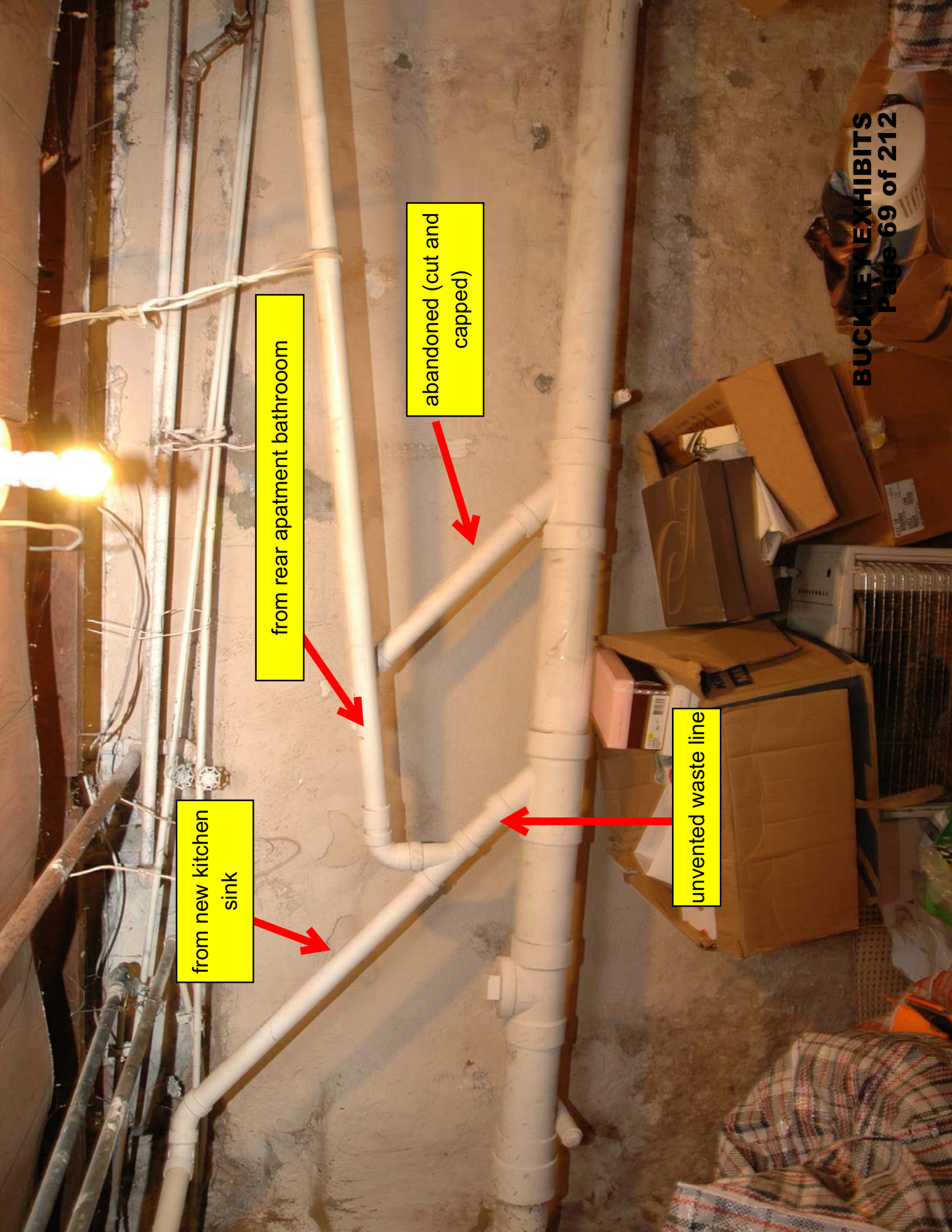






main house drain  
leaves basement and  
travels up to 2nd floor  
and roof

kitchen sink  
waste pipe



from new kitchen sink



from rear apartment bathroom



abandoned (cut and capped)



unvented waste line



improperly vented  
soil line from rear  
apartment water  
closet

improperly  
vented  
waste line  
from rear  
apartment  
fixtures

improperly installed  
waterproofing system







**TRANSTAR**  
MOVING SYSTEMS

856/727-1000



MOVER OF  
COMMERCIAL • RESIDENTIAL & STORAGE

**BUCKLEY EXHIBITS**  
Page 72 of 212

CP NAT'L 11 44 47 SCH 40 PG-1120 220 PSI @ 72°F ASTM D 1785 - 41 DRY ASTM D 2565



APPL. MODEL





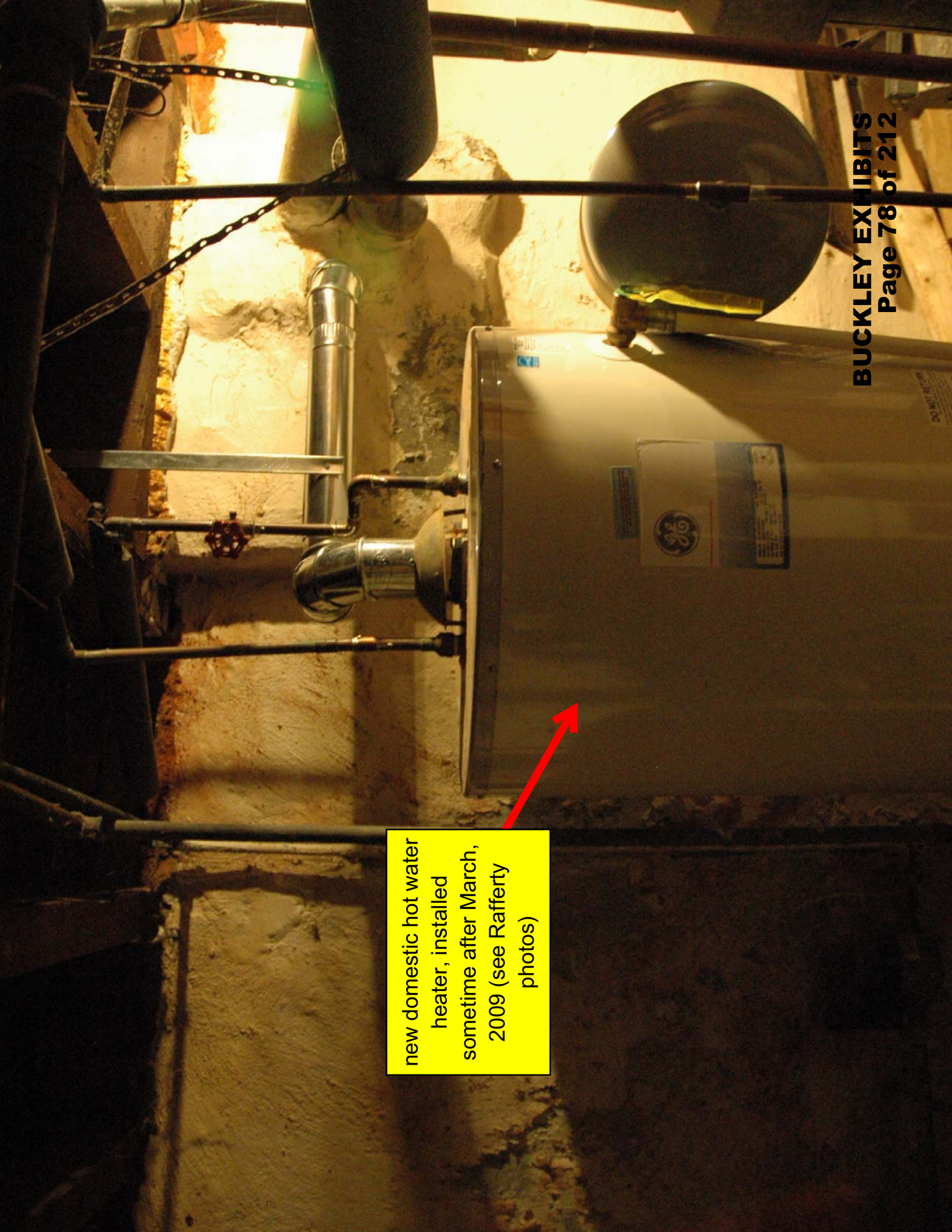


packaged sewage  
ejector pump



SYSTEMS FOR CLEANING  
SEWER LINES AND  
DRAINAGE SYSTEMS  
WITH A POWERFUL  
JETTING ACTION  
FOR REMOVING  
BLOCKAGES AND  
RESTORING  
NORMAL FLOW  
TO YOUR SEWER  
SYSTEMS.





new domestic hot water heater, installed sometime after March, 2009 (see Rafferty photos)



flexible gas connection



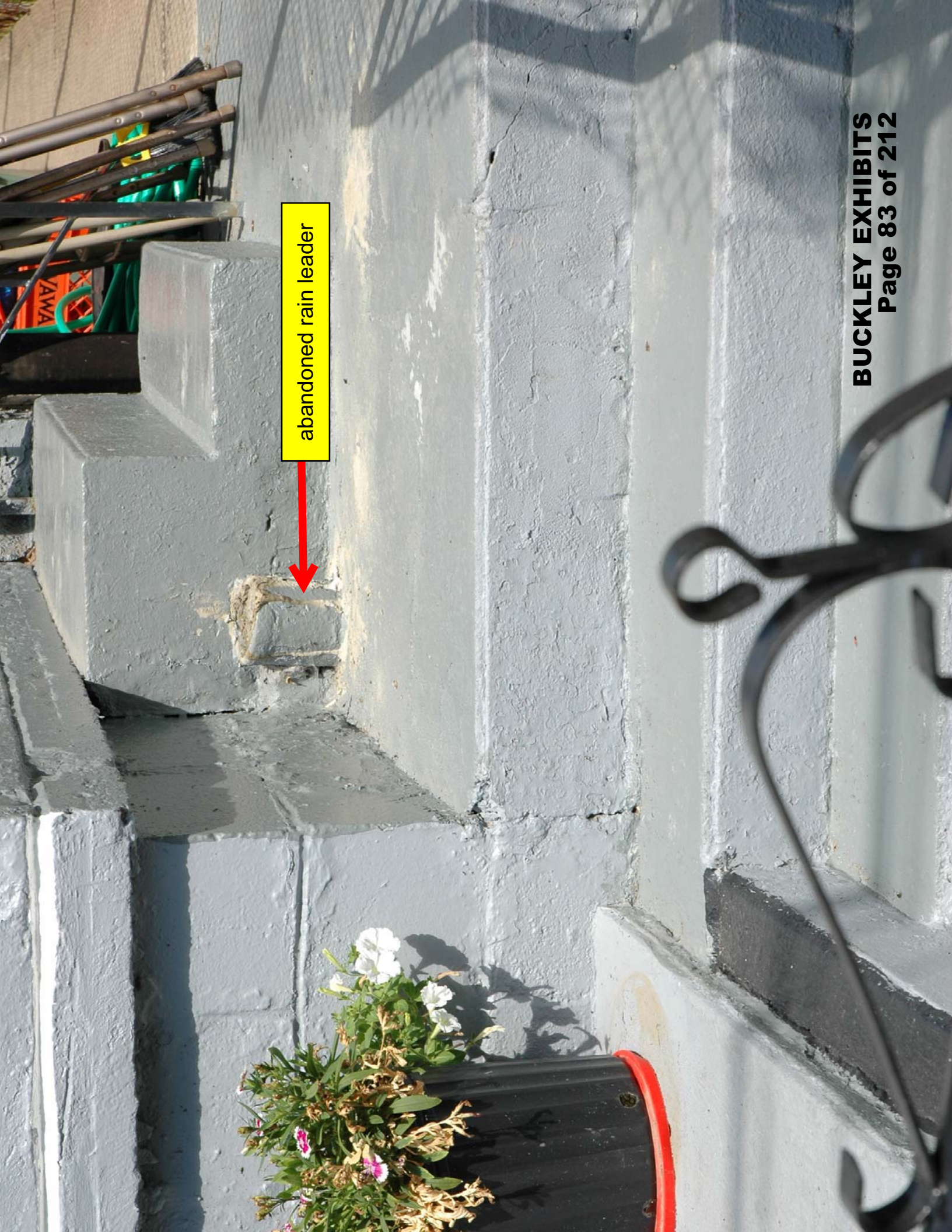


clean-out at front basement wall

recently installed  
fresh air inlet and  
surrounding new  
concrete







abandoned rain leader



recently installed  
area drain and  
surrounding  
concrete





recently installed combination  
area drain and rain leader,  
along with surrounding  
concrete





recently installed  
kitchen cabinets and  
appliances





1st floor rear  
apartment

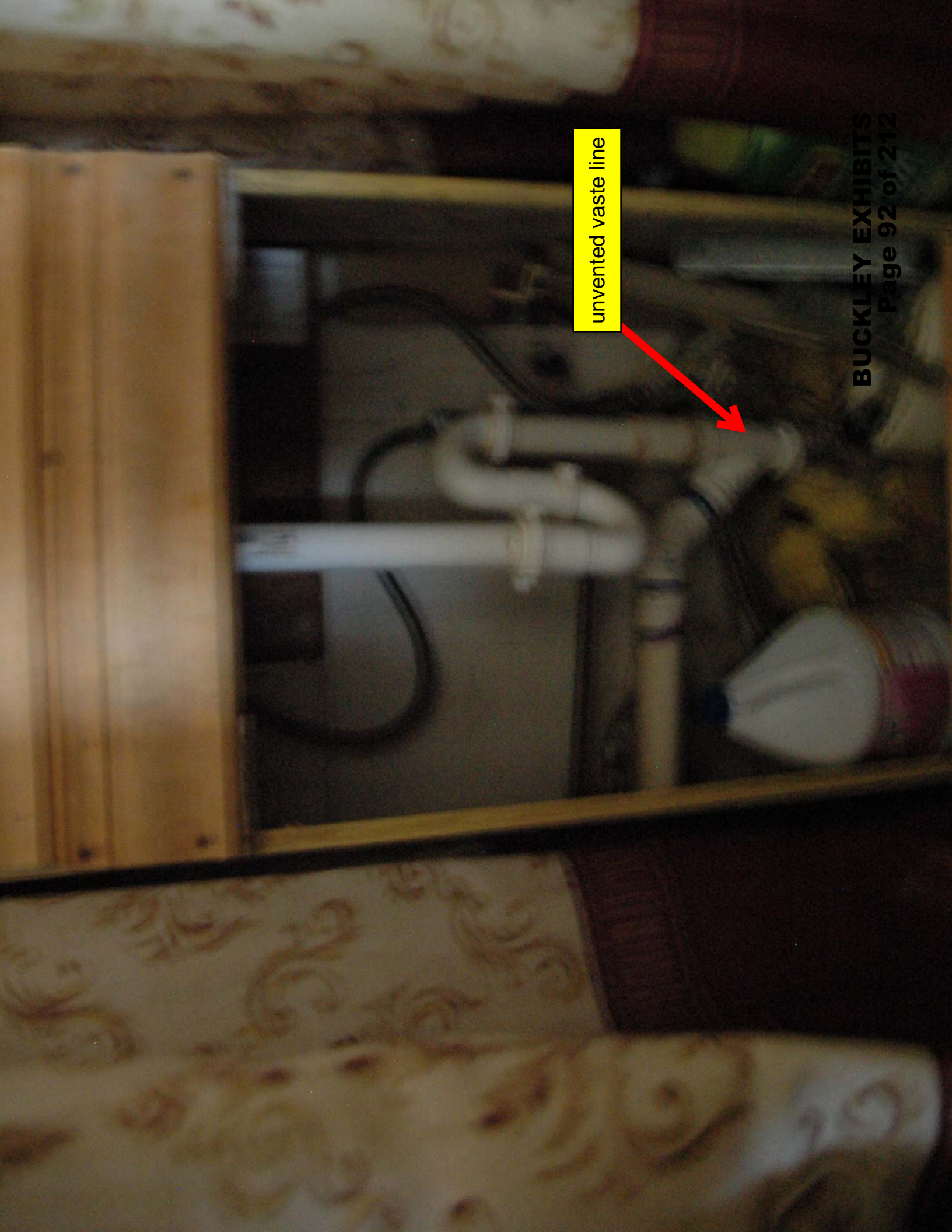
kitchen sink





untrapped washing machine  
stand pipe





unvented waste line



untrapped clothes washer  
stand pipe







BUCKLEY EXHIBITS  
Page 95 of 212







20 lb. propane  
cylinder





outdoor type gas stove



2nd floor bathroom





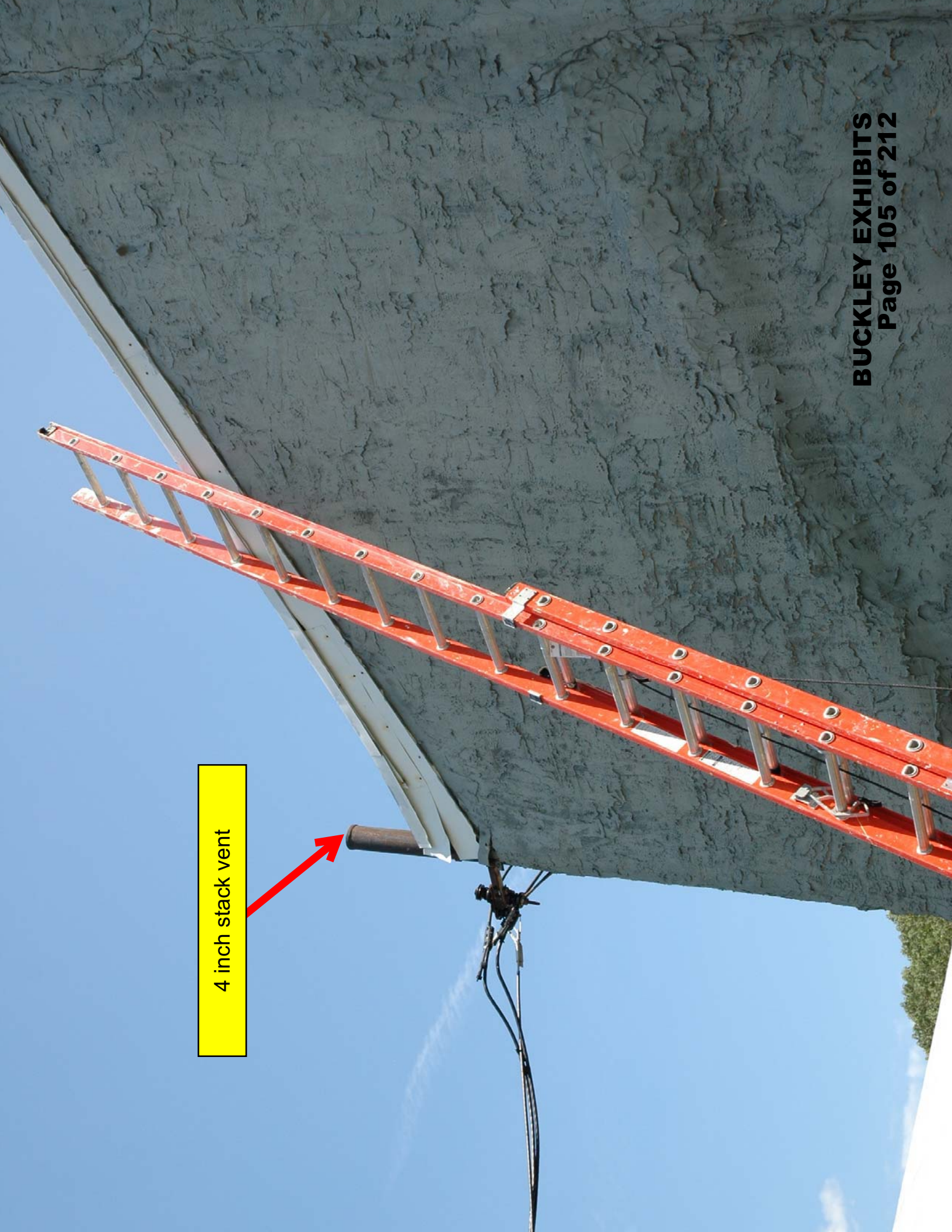
stack vent to roof





satellite dish mounting adapter





4 inch stack vent







current satellite dish installation



scratches from original satellite dish installation









exemplar satellite dish re-installed in original installation location



current satellite dish  
installation









photograph provided by  
Patrick Rafferty, July 27, 2010

Marlin Buckley installing  
exemplar satellite antenna



plaintiff's photograph



photograph by  
Marlin Buckley  
July 27, 2010





exemplar

MEBPC-MEB

August 5, 2010





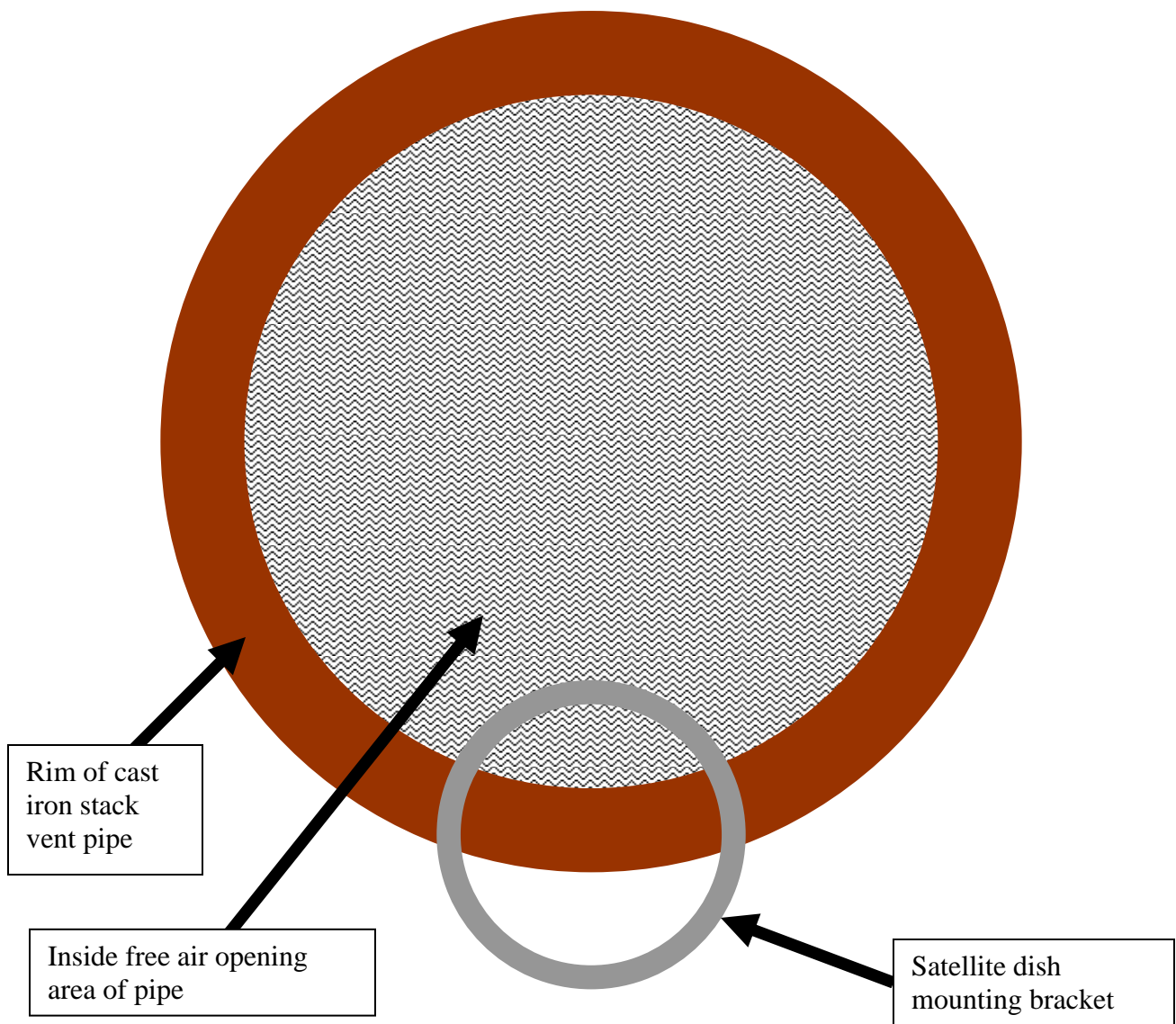




It is impossible for the satellite dish to block the stack vent.







### Plan View of Stack Vent Pipe (Bird's Eye View)

Inside diameter of the pipe is  $3 \frac{7}{8}$  inches (3.88 inches). (Reference photos from July 27, 2010.)

Inside area of the pipe is 11.82 square inches.

Mounting bracket area obstructing pipe inside opening is .25 square inch.

Net free air opening of cast iron pipe is 11.57 inches.

Mounting bracket is obstructing free air opening of cast iron pipe by 2.12 %.

A 2 inch diameter pipe has a free air opening of only 3.14 square inches, and is suitable under the ICC Plumbing Code (used in most PA jurisdictions outside of Philadelphia).

Pillar to Post, Philadelphia, LLC.  
8001 Roosevelt Boulevard  
Suite 400  
Philadelphia, PA 19152  
215-624-3990 / 888-594 POST

11-20-09

Daniel Sansoni, Esquire  
8040 Roosevelt Boulevard  
Suite 218  
Philadelphia, PA 19152

Re: Sybil O'Neil Home  
Sybil O'Neil v. DirecTV  
Court of Common Pleas, Philadelphia  
April Term, 2009, No. 2939

Dear Mr. Sansoni:

As per your request, I was able to review the DirecTV documents in the above-captioned case, including bills, DirecTV Privacy Policy, DirecTV Customer Agreement, and Photographs.

According to my review, DirecTV installed a satellite dish on the end of the buildings structure main waste drain pipe blocking the pipe from releasing sewer gases into the atmosphere. By installing the satellite dish on the roof top waste drain vent pipe, sewer gases are unable to properly exit the building structure sewer systems and are backed up into the home which could cause numerous problems to home dwellers, including sickness to residents.

The purpose of main waste drain vent pipe is to allow the buildup of hazardous sewer gases to exit and allow proper functionality of the entire waste drainage system and to prevent syphonic action. These gases consist of fumes from raw sewage such as methane gas.

**Sewer Gas:** Is a fundamentally methane gas, but in reality a complex mixture of toxic and non toxic gases produced and collected in sewage systems by the decomposition of organic household or industrial wastes. Sewer gases include hydrogen sulfide, ammonia, methane, carbon dioxide, sulfur dioxide and nitrogen oxides. Improper disposal of petroleum products such as gasoline and mineral spirits contribute to sewer gas hazards. Sewer gases are of concern due to their odor, health effects, and potential for creating fire explosions. Sewer gas often has a "rotten egg" smell due to the hydrogen sulfide content, which can be detected by human olfactory senses in concentrations as low as parts per billion. Exposure to low levels of this chemical can irritate eyes, cause a cough or sore throat, shortness of breath, and fluid accumulation in the lungs. Prolonged low level exposure may cause fatigue, pneumonia, loss of appetite, headaches, irritability, poor memory, and dizziness.



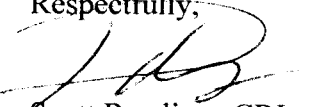
High concentrations of hydrogen sulfide (>150 ppm) can produce olfactory fatigue, whereby the scent becomes undetectable. At very high concentrations (>300 ppm) hydrogen sulfide can cause loss of consciousness and death. *Wikipedia encyclopedia*

The installation of the satellite dish on the end of the main waste drain exhaust vent pipe is an unreasonable risk to the people on the property, *etc.*, it is my opinion, that such a decision to install the satellite dish on the end of the exhaust pipe was done with absolutely no consideration for the inhabitants of the premises. Rather, it was done as a cheap and easy solution to install the satellite dish without the added expense of reinstalling on a side component of the house. Quite frankly, it would have been extremely easy to install the satellite dish on a side component of the house and the time and expenses to do so would have been extremely minimal. Therefore, it is entirely unknown why such an action was not taken.

Instead of installing the satellite dish on the exhaust pipe, the best location to install it would have been on the side component of a house. The roof, and especially not the exhaust pipe, is not the best place to install the satellite dish because the side of a house offers a solid structure onto which you can mount the dish. The roof, and especially not the exhaust pipe, will not offer a solid structure. Anchor bolts would be needed to drive into the support beam. Furthermore, you can not install such bolts into support beams when you install a satellite dish onto the end of an exhaust pipe. If the dish is on the side component of a house, it will not be affected by winds and severe weather conditions as much as if it were on the roof. If the satellite dish is on the exhaust pipe, the dish will be easily affected by strong winds. Regarding reception, the roof does not provide a better reception as long as the side component has a clear line of sight to the satellite.

It is my opinion within a reasonable degree of certainty that the action of DirecTV in installing the satellite dish on the homes main waste drain vent exhaust pipe was in clear violation of the City of Philadelphia plumbing, building construction and occupancy codes sections (P-1101) through (P-1109) and Conforming to the PA. Uniform Construction Code (Act 45 of 1999) PA. State of PA. *Please review attached document Philadelphia codes.* And Department of Environment rules and regulations regarding the safety of home safety management and that such an act was improper, negligent, and adverse to human health.

Respectfully,

  
Scott Rawlings CRI,  
Certified Inspector ASHI # 246594 / NAHI # 2005222  
Philadelphia Licensed Home Inspector # 29119  
Pillar to Post Philadelphia LLC.

The City of Philadelphia



# **PLUMBING CODE 2004**

**SECOND PRINTING**

(SUBCODE "P" OF TITLE 4,  
THE BUILDING CONSTRUCTION AND OCCUPANCY CODE  
OF THE CITY OF PHILADELPHIA)

CONFORMING TO THE PENNSYLVANIA  
UNIFORM CONSTRUCTION CODE (ACT 45 OF 1999)

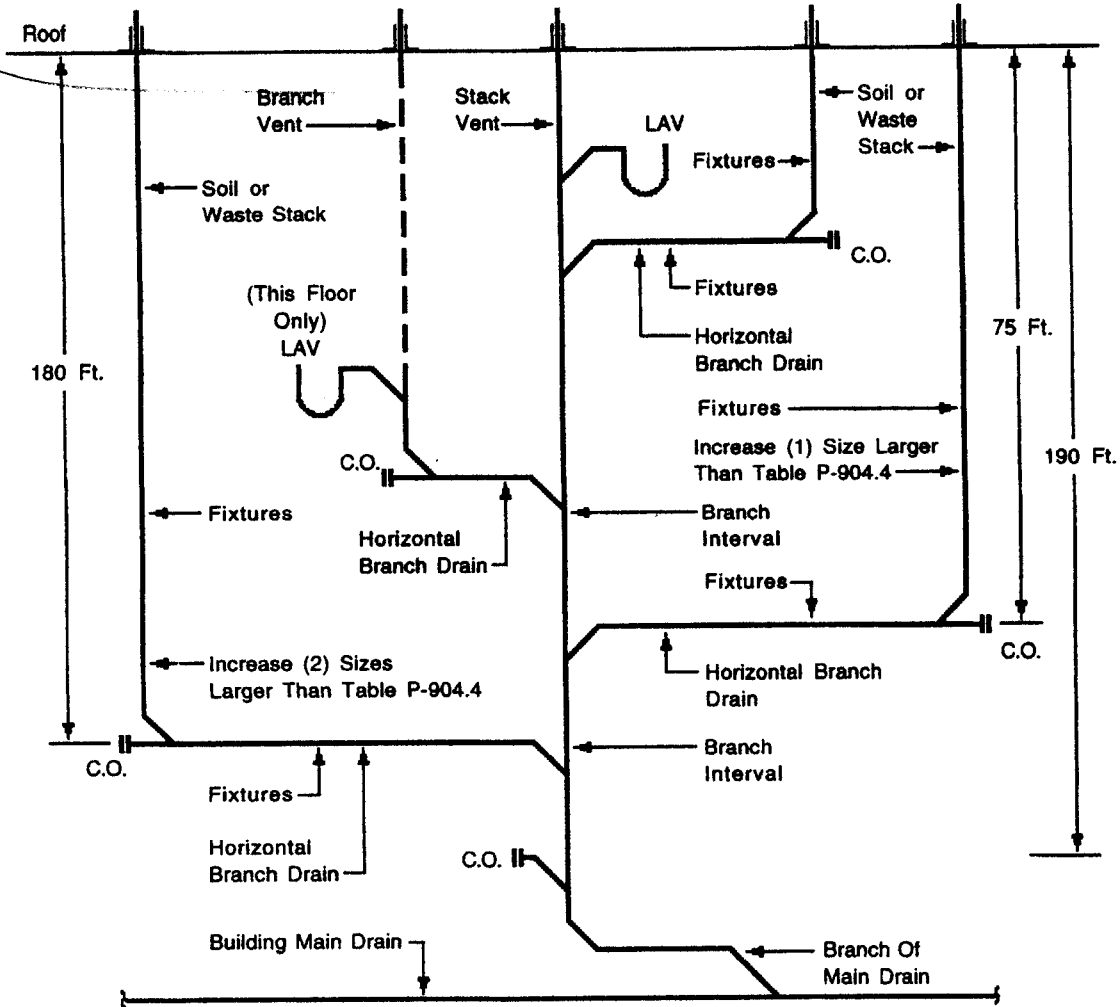
**BUCKLEY EXHIBITS**  
**Page 129 of 212**

**CHAPTER 11**  
**VENTS AND VENTING**

**SECTION P-1101 VENTING**

**P-1101.1 Required.** All fixtures shall be adequately vented to prevent syphonic action and to protect trap seals.

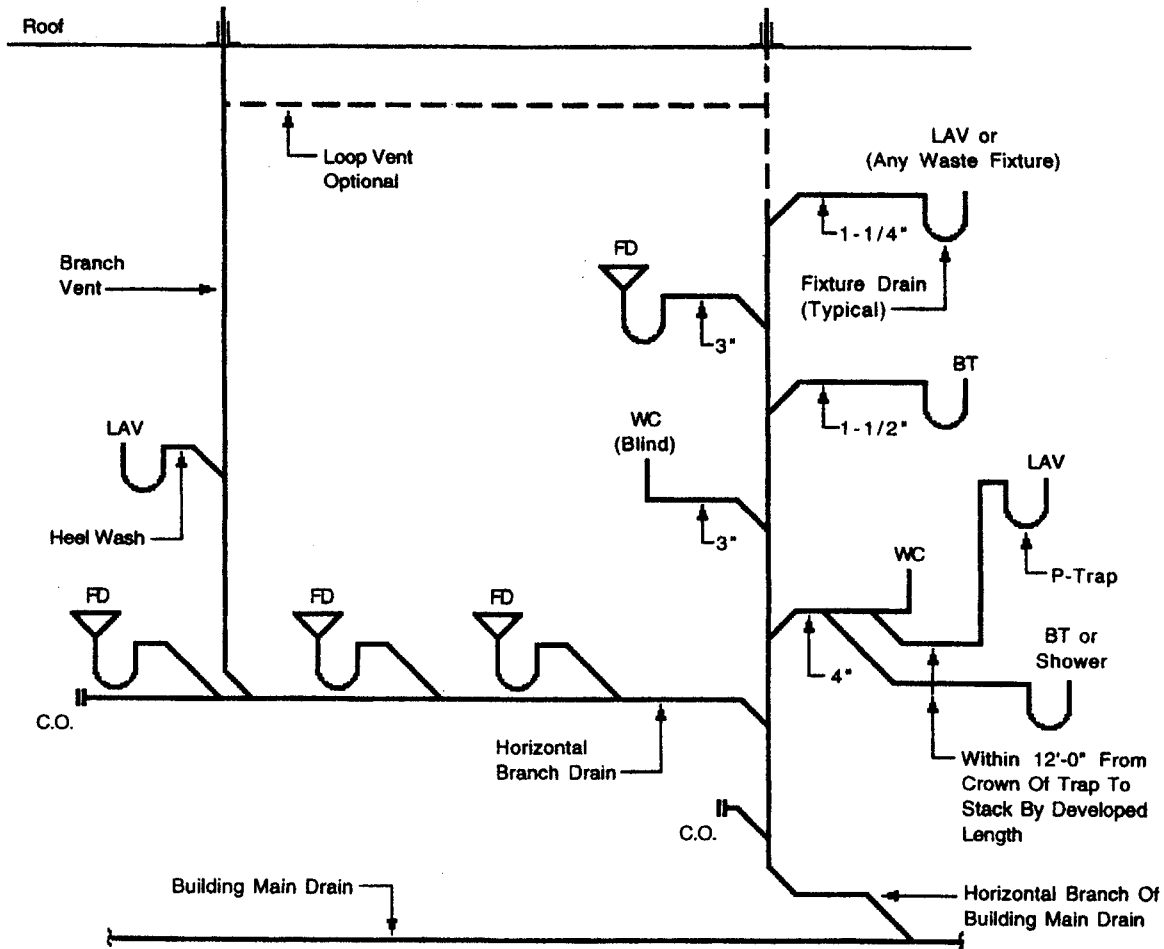
**Figure P-1101.0**



\* Refer to Chapter 9 For Sizing Soil and Waste Stacks

**PHILADELPHIA SINGLE STACK SYSTEM and HORIZONTAL BRANCH DRAINS**  
**VENTED BY BRANCH VENTS OR SOIL and WASTE STACKS**

Figure P-1101.0a



\* Refer To Chapter 9 For Sizing Soil and Waste Stacks

**PHILADELPHIA SOIL OR WASTE STACK SYSTEM and HORIZONTAL  
BRANCH DRAIN and BRANCH VENT**

**SECTION P-1102 MATERIALS**

**P-1102.1 Above-ground venting.** Vent pipes shall be cast iron (hub or hubless), galvanized malleable iron split couplings (victaulic), type DWV copper tubing or heavier, brass, stainless steel (409 type "G" copper-coated), ABS plastic pipe or PVC plastic pipe. The pipe and fittings for each type of pipe including malleable fittings, shall comply with the applicable specifications listed in Section P-305.

**P-1102.1.1 Corrosion resistance.** Vent pipe exposed to fumes from waste piping carrying corrosive industrial wastes shall be acid-resisting cast iron, chemical porcelain, heat resistant pre-stressed borosilicate glass, polyethylene or polypropylene.

**P-1102.1.2 Fittings.** Fittings on ferrous pipe shall be of cast iron or malleable iron. Drainage type fittings shall be required only where vent lines connect to drainage lines.

**P-1102.2 Underground venting.** Underground vent pipe shall be of cast iron or copper tube of a weight not less than type "L" hard temper. All underground vent piping installed parallel to a foundation wall shall be at least 3 feet from the building foundation wall when the depth does not exceed 4 feet. One foot of additional distance from the foundation wall shall be required for each additional one-foot depth below 4 feet.

**P-1102.2.1 Fittings.** Fittings shall conform to Section P-1102.1.2.

**P-1102.3 Plastic pipes.** Vent pipes of ABS plastic and PVC plastic shall be limited to installations of buildings containing dwelling units only. Such buildings shall consist of from one to four families and shall not exceed three stories in height. For the purpose of this section, basements are not considered a story height.

**P-1102.3.1 Joints.** PVC joints shall be solvent weld.

### SECTION P-1103 PROTECTION OF TRAP SEALS

**P-1103.1 Connection.** The seal of every fixture trap in a plumbing system shall be protected by being individually connected to a properly vented drain.

**Exception:** Leader traps, area drain traps, and yard drain traps.

**P-1103.2 Stack vents.** Every soil or waste stack shall be extended vertically, full size, as a stack vent to open air.

**P-1103.3 Vent stacks.** A vent stack or main vent shall be installed with a soil or waste stack when relief vents or other branch vents are required in more than five branch intervals. The vent stack shall terminate independently in the open air above the roof or shall be connected with the stack vent at least 6 inches above the flood level rim of the highest fixture and shall connect with the soil or waste stack through, at, or below the lowest horizontal soil or waste branch, or with the house drain, in such manner as to prevent the accumulation of rust scale. When water closets are installed on this lowest horizontal branch, they shall be connected to the side of the horizontal branch.

**P-1103.3.1 Vent required.** Every building in which plumbing is installed shall have at least one stack vent or vent stack which shall run undiminished in size and as directly as possible from the building drainage system through to the open air above the roof and in accordance with Section P-1103.4. The minimum size of the stack vent or vent stack shall be 3 inches.

**P-1103.4 Location of vent terminals.** No vent terminal from a sanitary drainage system shall be directly beneath any door, window or other ventilating opening of the same or adjacent building, nor shall any such vent terminal be within 12 feet horizontally of such an opening unless it is at least 3 feet above the top of such opening.

**P-1103.4.1 Above roof.** Extensions of vent pipes through a roof shall be terminated at least 2 feet above the roof surface and shall be properly flashed. Where the roof is used for any purpose other than weather protection, the vent pipe shall extend at least 7 feet above the roof surface and shall be properly supported.

## Scott Rawlings

8001 Roosevelt Blvd Suite 400 Philadelphia PA. 19152 scott.rawlings@pillartopost.com

---

### EDUCATION

---

<b>Pennsylvania Department of Environmental Protection #2539</b>	<b>2006</b>
<b>American Society of Home Inspectors #246594</b>	<b>2006</b>
<b>Commonwealth of Pennsylvania Department of Agriculture Health and Safety Division. #705691</b>	<b>2006</b>
<b>National Association of Home Inspectors # 2005222</b>	<b>2005</b>
<b>National Radon Safety Board # 6SS0011</b>	<b>2005</b>

### EXPERIENCE

---

#### **Pillar To Post Philadelphia LLC**

8001 Roosevelt Blvd Suite 400 Philadelphia PA. 19152

*Owner / Master Inspector*

2009

- Manage all inspectors, office staff, payroll, taxes, record keeping, marketing, performing seminars, perform inspections for clients. Home inspections, building inspections residential, and commercial. Providing outstanding inspection service to the Philadelphia area. Providing ancillary services such as Radon Screening, Termite certifications, Mold analyses, and air quality.
- Built a multi inspection firm.
- Performed over 4,000 inspections since inception.
- Accepted one award for 2005 Pillar to Post Corporate Gala awards banquet.
- Accepted three awards for 2006 Pillar to Post Corporate Gala awards banquet.
- Accepted three awards for 2007 Pillar to Post Corporate Gala awards banquet.
- Accepted one award for 2008 Pillar to Post Corporate Gala awards banquet.

#### **Allied Restorations & Renovations**

1999-2004

- Owner and operator. Managed all construction projects. Bid proposals estimating. Managing several crews. Payroll, taxes and record keeping.
- High profile projects with repeat clients on high rise buildings.
- State, Private, Industrial construction and restoration projects for historical properties.

#### **Rawlings Contractors**

1993-1998

- Foreman and construction job management.
- Job Estimating.

### LOCAL AFFILIATIONS

---

- Grater Philadelphia Association of Realtors.
- American Society of Home Inspectors.
- National Association of Home Inspectors.

Pillar to Post, Philadelphia, LLC.  
8001 Roosevelt Boulevard  
Suite 400  
Philadelphia, PA 19152  
215-624-3990 / 888-594 POST

6/22/10

Daniel Sansoni, Esquire  
8040 Roosevelt Boulevard  
Suite 218  
Philadelphia, PA 19152

Re: Sybil O'Neil Home  
Sybil O'Neil v. DirecTV  
Court of Common Pleas, Philadelphia  
April Term, 2009, No. 2939

Dear Mr. Sansoni:

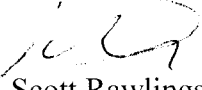
As per your request, I was able to visit Mrs. O'Neal's house and obtain on-site information of the pre-existing condition and location of the effected waste drain vent stack. The satellite dish was removed from the rear second floor waste drain vent pipe and relocated to the rear lower roof. The satellite dish was improperly attached to the buildings fascia board. Observed were improper spacing between the lower-end of the bracket and unsecure mounting to the elevation's exterior. The satellite dish still poses a potential risk hazard and should be corrected, by utilizing proper spacers and approved lag bolts to secure the satellite dish to the wall.

The satellite dish is now pointed in the same direction as the first installation indicating that a clear signal can be made at a proper location. Not the main waste drain vent stack that provides proper functional flow of the entire waste drain system.

The entire waste drain plumbing system was also visually examined in the basement, house and was found satisfactory. The water was run for several minutes and found the functional flow operating normal. No odors were detected during my visit to the property.

It is still my opinion, consistent with my November 20, 2009, report, within a reasonable degree of home inspector certainty that the action of Directv in installing the satellite dish on the home exhaust pipe was in clear violation of City and State rules and regulations regarding the safety of home management and that such an act was improper, negligent, and adverse to human health.

Respectfully,



Scott Rawlings CRI,

Certified Inspector ASHI # 246594 / NAHI # 2005222

Philadelphia Licensed Home Inspector # 29119

Pillar to Post Philadelphia LLC.



## Visual Property Inspection

4506 Mulberry Street  
Philadelphia, Pennsylvania 19124

Prepared for :

Sybil O' Neil  
Philadelphia, Pennsylvania



Inspected by :

Scott Rawlings ASHI # 246594 / NAHI #2005222  
8001 Roosevelt Blvd  
Suite 400  
Philadelphia, Pennsylvania 19152  
Phone: (215) 624-3990 Fax: (215) 624-3991 Email:  
Scott.Rawlings@pillartopost.com



## Property and Site

### Building

- |  |                                 |   |                                   |   |                                  |
|--|---------------------------------|---|-----------------------------------|---|----------------------------------|
| <input type="checkbox"/> Condo               | <input type="checkbox"/> Rural  | <input type="checkbox"/> Bungalow             | <input type="checkbox"/> Bi-Level | <input checked="" type="checkbox"/> 2 Story | <input type="checkbox"/> 3 Story |
| <input type="checkbox"/> Semi-Detached       | <input type="checkbox"/> Duplex | <input checked="" type="checkbox"/> Row House | <input type="checkbox"/> Other    | <input type="checkbox"/> Ranch              |                                  |
| <input type="checkbox"/> Single family house |                                 |   |                                   |   |                                  |

**Property and Site**  
**Building**



The satellite dish was reported to have been removed from the rear stack vent by the satellite company.



Long view of the vent stack.



Current satellite dish installation is improperly installed and unsecure.



Drain pipes in the basement are satisfactory.

**Property and Site**  
**Building**



Drain pipes in the basement are satisfactory.



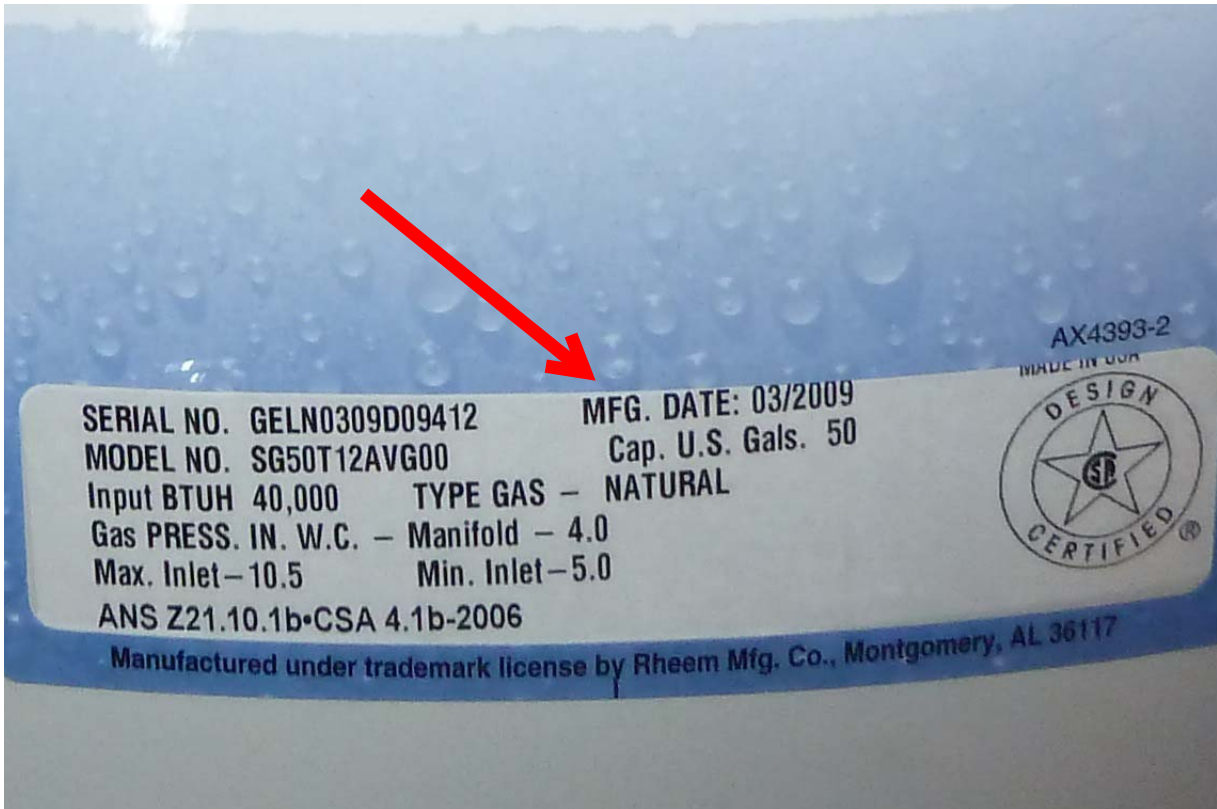
Drain pipes in the basement are satisfactory.



Drain pipes in the basement are satisfactory.

photos taken by Patrick Rafferty, July 27, 2010





SERIAL NO. GELN0309D09412      MFG. DATE: 03/2009  
MODEL NO. SG50T12AVG00      Cap. U.S. Gals. 50  
Input BTUH 40,000      TYPE GAS - NATURAL  
Gas PRESS. IN. W.C. - Manifold - 4.0  
Max. Inlet - 10.5      Min. Inlet - 5.0  
ANS Z21.10.1b-CSA 4.1b-2006



Manufactured under trademark license by Rheem Mfg. Co., Montgomery, AL 36117

The chemical class called mercaptans are used as odorants in propane and natural gas. Their chemical structure is that of an hydrocarbon (hydrogen and\ carbon) chain attached to a "thiol" group containing sulfur and hydrogen. The class includes methyl mercaptan (aka methane thiol), ethyle mercaptan (ethane thiol), isobutyl mercaptan, and several others. They all have slightly different odors and toxic properties, the balance of which is the basis for selecting as an odorant.

Excerpt of e-mail from Patrick Rafferty, CIH, Rafferty and James, Inc., July 30, 2010

**MATERIAL SAFETY DATA SHEET**

PRODUCT NAME: METHANE
-----------------------

**1. Chemical Product and Company Identification**

BOC Gases,  
Division of  
The BOC Group, Inc.  
575 Mountain Avenue  
Murray Hill, NJ 07974

BOC Gases  
Division of  
BOC Canada Limited  
5975 Falbourne Street, Unit 2  
Mississauga, Ontario L5R 3W6

TELEPHONE NUMBER: (908) 464-8100  
24-HOUR EMERGENCY TELEPHONE NUMBER:  
CHEMTREC (800) 424-9300

TELEPHONE NUMBER: (905) 501-1700  
24-HOUR EMERGENCY TELEPHONE NUMBER:  
(905) 501-0802  
EMERGENCY RESPONSE PLAN NO: 20101

**PRODUCT NAME:** METHANE  
**CHEMICAL NAME:** CH<sub>4</sub>  
**COMMON NAMES/SYNONYMS:** Methyl Hydride  
**TDG (Canada) CLASSIFICATION:** 2.1  
**WHMIS CLASSIFICATION:** A, B1

**PREPARED BY:** Loss Control (908)464-8100/(905)501-1700  
**PREPARATION DATE:** 6/1/95  
**REVIEW DATES:** 6/7/96

**2. Composition, Information on Ingredients**

INGREDIENT	% VOLUME	PEL-OSHA <sup>1</sup>	TLV-ACGIH <sup>2</sup>	LD <sub>50</sub> or LC <sub>50</sub> Route/Species
Methane FORMULA: CH <sub>4</sub> CAS: 74-82-8 RTECS #: PA1490000	100	Simple Asphyxiant	Simple Asphyxiant	Not Available

<sup>1</sup> As stated in 29 CFR 1910, Subpart Z (revised July 1, 1993)

<sup>2</sup> As stated in the ACGIH 1994-95 Threshold Limit Values for Chemical Substances and Physical Agents

**3. Hazards Identification**

<b>EMERGENCY OVERVIEW</b>
---------------------------

Simple asphyxiant - maintain oxygen levels above 19.5%. Extremely flammable.
--

**ROUTE OF ENTRY:**

Skin Contact Yes	Skin Absorption No	Eye Contact Yes	Inhalation Yes	Ingestion No
---------------------	-----------------------	--------------------	-------------------	-----------------



**PRODUCT NAME: METHANE**

**HEALTH EFFECTS:**

Exposure Limits No	Irritant No	Sensitization No
Teratogen No	Reproductive Hazard No	Mutagen No
Synergistic Effects None reported		

Carcinogenicity: -- NTP: No IARC: No OSHA: No

**EYE EFFECTS:**

None anticipated as product is a gas at room temperature.

**SKIN EFFECTS:**

None anticipated as product is a gas at room temperature.

**INGESTION EFFECTS:**

None known. Ingestion is unlikely.

**INHALATION EFFECTS:**

Methane and nitrogen are simple asphyxiants. Exposure to high concentrations of this gas mixture may exclude an adequate supply of oxygen. Oxygen levels should be maintained at greater than 19.5% at normal atmospheric pressure.

Effects of oxygen deficiency resulting from simple asphyxiants may include: rapid breathing, diminished mental alertness, impaired muscular coordination, faulty judgement, depression of all sensations, emotional instability, and fatigue. As asphyxiation progresses, nausea, vomiting, prostration, and loss of consciousness may result, eventually leading to convulsions, coma, and death.

Oxygen deficiency during pregnancy has produced developmental abnormalities in humans and experimental animals.

**NFPA HAZARD CODES**

Health: 0  
Flammability: 4  
Reactivity: 0

**HMIS HAZARD CODES**

Health: 0  
Flammability: 4  
Reactivity: 0

**RATINGS SYSTEM**

0 = No Hazard  
1 = Slight Hazard  
2 = Moderate Hazard  
3 = Serious Hazard  
4 = Severe Hazard

**4. First Aid Measures**

**EYES:**

Never introduce ointment or oil into the eyes without medical advice! If pain is present, refer the victim to an ophthalmologist for treatment and follow up.

**SKIN:**

None needed as product is a gas at room temperature.

**INGESTION:**

Not normally required.

PRODUCT NAME: METHANE

**INHALATION:**

PROMPT MEDICAL ATTENTION IS MANDATORY IN ALL CASES OF OVEREXPOSURE TO THIS PRODUCT. RESCUE PERSONNEL SHOULD BE EQUIPPED WITH SELF-CONTAINED BREATHING APPARATUS. Victims should be assisted to an uncontaminated area and inhale fresh air. Quick removal from the contaminated area is most important. If breathing has stopped administer artificial resuscitation and supplemental oxygen. Further treatment should be symptomatic and supportive. Keep victim warm and quiet.

**5. Fire Fighting Measures**

Conditions of Flammability: Flammable gas		
Flash point: -306°F (-188°C)	Method: Closed cup	Autoignition Temperature: 1076°F (580°C)
LEL(%): 5	UEL(%): 15	
Hazardous combustion products: Carbon dioxide, Carbon monoxide		
Sensitivity to mechanical shock: None		
Sensitivity to static discharge: Not Available		

**FIRE AND EXPLOSION HAZARDS:**

Methane is slightly heavier than air and may travel a considerable distance to an ignition source. Should flame be extinguished and flow of gas continue, increase ventilation to prevent flammable mixture formation in low areas or pockets.

**EXTINGUISHING MEDIA:**

Carbon dioxide, dry chemical or water spray.

**FIRE FIGHTING INSTRUCTIONS:**

If possible stop the flow of gas supply. Use water spray to cool adjacent equipment. Watch for Boiling Liquid Expanding Vapor Explosion, BLEVE, if flame is impinging on stream onto containers above liquid level with remote monitors. Limit the number of personnel in proximity to the fire. Evacuate surrounding areas to at least 3000 feet in all directions.

LEL is the Lower Explosive Level and indicates the percentage of gas to air ratio at which point the mixture becomes highly explosive.

**6. Accidental Release Measures**

Evacuate all personnel from affected area. Use appropriate protective equipment. If leak is in user's equipment, be certain to purge piping with inert gas prior to attempting repairs. If leak is in container or container valve, contact the appropriate emergency telephone number listed in Section 1 or call your closest BOC location.

**7. Handling and Storage**

**Electrical Classification:**

Class 1, Group D.

Earth ground and bond all lines and equipment associated with the ethylene system. Electrical equipment should be non sparking or explosion-proof.

Methane is non-corrosive and may be used with any common structural material.

Use only in well-ventilated areas. Valve protection caps must remain in place unless container is secured with valve outlet piped to use point. Do not drag, slide or roll cylinders. Use a suitable hand truck for cylinder movement. Use a pressure regulator when connecting cylinder to lower pressure (<3000 psig) piping or

PRODUCT NAME: METHANE

systems. Do not heat cylinder by any means to increase the discharge rate of product from the cylinder. Use a check valve or trap in the discharge line to prevent hazardous back flow into the cylinder.

Protect cylinders from physical damage. Store in cool, dry, well-ventilated area of non-combustible construction away from heavily trafficked areas and emergency exits. Do not allow the temperature where cylinders are stored to exceed 130°F (54°C). Cylinders should be stored upright and firmly secured to prevent falling or being knocked over. Full and empty cylinders should be segregated. Use a "first in-first out" inventory system to prevent full cylinders from being stored for excessive periods of time. Post "NO SMOKING OR OPEN FLAMES" signs in the storage or use area.

For additional storage recommendations, consult Compressed Gas Association's Pamphlets P-1, P-9, P-14, and Safety Bulletin SB-2.

## 8. Exposure Controls, Personal Protection

### EXPOSURE LIMITS<sup>1</sup>:

INGREDIENT	% VOLUME	PEL-OSHA <sup>2</sup>	TLV-ACGIH <sup>3</sup>	LD <sub>50</sub> or LC <sub>50</sub> Route/Species
Methane FORMULA: CH <sub>4</sub> CAS: 74-82-8 RTECS #: PA1490000	100	Simple Asphyxiant	Simple Asphyxiant	Not Available

<sup>1</sup> Refer to individual state of provincial regulations, as applicable, for limits which may be more stringent than those listed here.

<sup>2</sup> As stated in 29 CFR 1910, Subpart Z (revised July 1, 1993)

<sup>3</sup> As stated in the ACGIH 1994-1995 Threshold Limit Values for Chemical Substances and Physical Agents.

### ENGINEERING CONTROLS:

Hood with forced ventilation. Local exhaust to prevent dilution of oxygen levels below 19.5%. Mechanical in accordance with electrical codes.

### EYE/FACE PROTECTION:

Safety goggles or glasses.

### SKIN PROTECTION:

Plastic or rubber gloves. Protective gloves made of any suitable material.

### RESPIRATORY PROTECTION:

Positive pressure air line with mask and escape bottle or self-contained breathing apparatus should be available for emergency use.

### OTHER/GENERAL PROTECTION:

Safety shoes, safety shower, eyewash "fountain."

## 9. Physical and Chemical Properties

PARAMETER	VALUE	UNITS
Physical state (gas, liquid, solid)	: Gas	
Vapor pressure	: Not Available	
Vapor density (Air = 1)	: Not Available	
Evaporation point	: Not Available	
Boiling point	: -285.7	°F
	: -161.5	°C
Freezing point	: -296.5	°F
	: -182.5	°C
pH	: Not Applicable	
Specific gravity	: 0.55	
Oil/water partition coefficient	: Not Available	
Solubility (H <sub>2</sub> O)	: Negligible	
Odor threshold	: Not Applicable	
Odor and appearance	: Odorless, colorless gas	

## 10. Stability and Reactivity

### STABILITY:

Stable

### INCOMPATIBLE MATERIALS:

Oxidizers

### HAZARDOUS POLYMERIZATION:

Will not occur.

## 11. Toxicological Information

No data given in the Registry of Toxic Effects of Chemical Substances (RTECS) or Sax, Dangerous Properties of Industrial Materials, 7th ed.

Oxygen deficiency during pregnancy has produced developmental abnormalities in humans and experimental animals.

## 12. Ecological Information

No data given.

## 13. Disposal Considerations

Do not attempt to dispose of residual waste or unused quantities. Return in the shipping container PROPERLY LABELED, WITH ANY VALVE OUTLET PLUGS OR CAPS SECURED AND VALVE PROTECTION CAP IN PLACE to BOC Gases or authorized distributor for proper disposal.

PRODUCT NAME: METHANE

## 14. Transport Information

PARAMETER	United States DOT	Canada TDG
PROPER SHIPPING NAME:	Methane, compressed	Methane, compressed
HAZARD CLASS:	2.1	2.1
IDENTIFICATION NUMBER:	UN 1971	UN 1971
SHIPPING LABEL:	FLAMMABLE GAS	FLAMMABLE GAS

## 15. Regulatory Information

Methane is listed under the accident prevention provisions of section 112(r) of the Clean Air Act (CAA) with a threshold quantity (TQ) of 10,000 pounds.

### SARA TITLE III NOTIFICATIONS AND INFORMATION

#### SARA TITLE III - HAZARD CLASSES:

Acute Health Hazard

Fire Hazard

Sudden Release of Pressure Hazard

## 16. Other Information

Compressed gas cylinders shall not be refilled without the express written permission of the owner. Shipment of a compressed gas cylinder which has not been filled by the owner or with his/her (written) consent is a violation of transportation regulations.

#### DISCLAIMER OF EXPRESSED AND IMPLIED WARRANTIES:

Although reasonable care has been taken in the preparation of this document, we extend no warranties and make no representations as to the accuracy or completeness of the information contained herein, and assume no responsibility regarding the suitability of this information for the user's intended purposes or for the consequences of its use. Each individual should make a determination as to the suitability of the information for their particular purpose(s).



**NORTHERN**  
TOOL + EQUIPMENT

[Print this page](#)

Top Rated Product

### Product Reviews + Ratings

This product is no longer available. Continue shopping at [Northern Tool](#).



#### Cast Iron Double Burner Propane Stove

Fast, low-cost way to heat water, make coffee, fry steak and eggs or do just about any kind of OUTDOOR stovetop cooking! Cast iron stove hooks up to your LP tank or cylinder using our LP regulator and hose kit #330972 or #172706, sold separately. Each burner produces up to 15,000 BTU of heat. For outdoor use only. Burners (qty.): 2, Max. BTU: 30,000 (15,000 per Burner), Cooking Surface Area L x W (in.): 20 1/2 x 15, Orifice I.D. (in.): 5/16, Orifice O.D. (in.): 7/8, Overall Height (in.): 6, Regulator and Gas Hose Included: No

**Average Customer Rating:** **4.4 out of 5 (12 Reviews)**

#### Customer Reviews for Cast Iron Double Burner Propane Stove

Choose a sort order

Overall Rating: 2 / 5

**Cast Iron Double Burner Stove**, July 13, 2009  
By JonK from OH

"I was not impressed with the quality of this stove. Missing hardware, fit and finish were the main problems. I was not able to use the stove because of the missing hardware. The stove did not have a high enough heat output for what I needed."

What is your level of technical expertise? Home Handyman

Share this Review:

#### Review 2 for Cast Iron Double Burner Propane Stove

Overall Rating: 4 / 5

**Wind Shield**, April 20, 2009  
By Tgchohn

DELIVER TO: ALEXANDRA M. LASTOWSKI  
SWARTZ, CAMPBELL, ET AL  
115 N. JACKSON STREET  
.  
MEDIA , PA 19063

**HOT**

RECORDS OF: SYBIL O'NEIL

RECORDS FROM: PHILA. WATER DEPARTMENT

REFERENCE: 0600.139117

CLAIM # :

INVOICE NO: 16426013 RECORDS

PAGE COUNT: 6



## MCS QUALITY GUARANTEE

Thank you for using MCS. At MCS, we aim to ensure every job meets or exceeds your expectations. This signed document will serve to guarantee that this finished job has been checked to your specifications.

This page has been placed here by a trained MCS quality specialist. If an error has reached you, this page will help us determine where we need to improve our quality control methods. If you have any concerns regarding these documents, please contact our Customer Service Department immediately.

Thank you again for using MCS.

### Quality Checklist

- Each page checked for quality
- Documents placed in proper order
- Final spot check for proper packaging
- Check invoice for accuracy

This section was completed by:

Q.C. Specialist \_\_\_\_\_

Job Number \_\_\_\_\_





CITY OF PHILADELPHIA

LAW DEPARTMENT  
One Parkway  
1515 Arch Street  
Philadelphia, PA 19102-1595

*SHELLEY R. SMITH*  
*CITY SOLICITOR*

WATER LAW DIVISION  
Mattie Brahen  
Executive Secretary  
1101 Market Street, 5<sup>th</sup> Floor  
Philadelphia, PA 19107  
Phone: (215)685-6347  
Fax: (215)685-4915  
mattie.brahen@phila.gov

May 7, 2010

Trudy Cunningham, Representative  
MCS  
1601 Market St., Suite 800  
Philadelphia, PA 19103

Re: Your Reference #16426 – Sybil O’Neil  
Records for 4506 Mulberry Street, Phila., PA  
From 8/01/07 to present

Dear Trudy:

Enclosed please find a copy of your subpoena, the Certification of Custodian and a printout from our Customer Information Database showing no complaints for the referenced address within the specified time period. We have no records from 8/01/07 to the present.

Should you have any questions, please feel free to call me at 215-685-6347.

Sincerely,

MATTIE BRAHEN  
Executive Secretary

P.S.: I was concerned about private plumbers requesting permits from PWD and so I checked with our Metering Unit which issues them. They found no plumber permits issued within the research period. I enclose the email stating this.

Mattie 5/10/10

**BUCKLEY EXHIBITS**  
**Page 152 of 212**

CURRENT & HIST 150 4506 MULBERRY ST

X	Location	Complaint	Date	Rt
✓	4506 MULBERRY ST	WATER/BASEMENT	04/28/00	C*
✓	4506 MULBERRY ST	W/C STILL-PLEASE RETURN	04/21/97	C*
✓	4506 MULBERRY ST	W/C FROM VAC LOT WAS 4504	04/17/97	C*
✓	4506 MULBERRY ST	DEPRESSION IFO	05/28/96	C*
✓	4506 MULBERRY ST	L/P	10/19/94	C*
✓	4506 MULBERRY ST	W/C - FLOODING CONDITIONS	05/17/91	W*
	4508 MULBERRY ST	LK/CURB	10/20/92	W*
	4511 MULBERRY ST	CURB STOP	03/31/93	A*
	4513 MULBERRY ST	LEAK/STREET	07/21/97	D*
	4513 MULBERRY ST	LK/ST @ OLD PATCH	06/03/96	U*
	4513 MULBERRY ST	04	11/28/88	M*
	4514 MULBERRY ST	L/K IN STREET	11/30/95	U*

There are 24 Backward and 43 Forward records

2000  
1997  
1997  
1996  
1994  
1991

*There are no records for this address from 8-01-2007 to the present, in our database. I also checked a nearby intersection and found no records related to this address.*

*Mattie Brahen*

*5-07-10*

# CERTIFICATION OF CUSTODIAN

SYBIL O'NEILL

VS.

DIRECT TV

*EXECUTIVE SECRETARY*

I am the authorized Custodian of Records For: PHILA. WATER DEPARTMENT *Water Law Division*  
and I have the authority to certify the attached records of:

SYBIL O'NEIL

4506 MULBERRY STREET PHILADELPHIA PA 19124  
DOB: 03/27/36 [RECORDS]

Being duly sworn according to law, I hereby certify, depose and say that these records were searched and reproduced in my presence at my direction. These records were prepared in the ordinary course of business by authorized personnel on or about the time of the event or act and careful search for the records has been made by me or under my direction. Therefore, these records constitute all the records of said individual described above.

**I HEREBY CERTIFY THAT THE FOLLOWING IS TRUE AND CORRECT:**

- \*\* A: I HAVE ATTACHED \_\_\_\_\_ PAGES / \_\_\_\_\_ # OF X-RAYS.
- B: THIS INCLUDES ALL MATERIAL REQUESTED.
- C: THIS INCLUDES ALL CORRESPONDENCE BETWEEN ALL FACILITIES.
- D: I HAVE ATTACHED THE PATIENT INFORMATION SHEET OR ID SHEET WHEN APPLICABLE.
- E: PRIOR APPROVAL REQUIRED ON HOSPITALS FOR \$ 100.00 AND OVER.  
ALL OTHER PROVIDERS FOR \$ 150.00 AND OVER.

Date

\*\*\* Sign Here



**THE DOCUMENTS REQUESTED ARE NOT IN OUR POSSESSION DUE TO THE FOLLOWING:**

X No Records    \_\_\_ No X-Rays    \_\_\_ Records Destroyed After \_\_\_\_\_ Years

\_\_\_ X-Rays Destroyed After \_\_\_\_\_ Years    \_\_\_ Other \_\_\_\_\_

It is to be understood that this does not mean that the requested information does not exist under another spelling or another name. However, with the information furnished to our office and to the best of my knowledge, I certify the above to be a true and accurate statement.

5-07-10  
Date

*Mattie Braher*  
Signature

**MUST SIGN AND RETURN THIS PAGE EXHIBITS**  
Page 154 of 212



Theresa A  
Holland/PWD/Phila  
05/08/2010 07:41 AM

To Jack Meade/PWD/Phila@Phila, Marietta  
Green-Russell/PWD/Phila@PHILA  
cc Mattie Brahen/PWD/Phila@Phila  
bcc

Subject Fw: Any permits for 4506 Mulberry St. from 8/1/07 to present?


Theresa A. Holland  
Clerk Typist 2  
Philadelphia Water Dept  
Meter Shop  
215 685-9622 or 9619  
Fax 215 685-9649

Theresa.A.Holland@Phila.Gov  
----- Forwarded by Theresa A Holland/PWD/Phila on 05/08/2010 07:35 AM -----



Theresa A  
Holland/PWD/Phila  
05/08/2010 07:36 AM

To Marietta Green-Russell/PWD/Phila  
cc

Subject Re: Fw: Any permits for 4506 Mulberry St. from 8/1/07 to present? 

Re: 4506 Mulberry St

No Records found in the Permit Tracking System

Theresa

Theresa A. Holland  
Clerk Typist 2  
Philadelphia Water Dept  
Meter Shop  
215 685-9622 or 9619  
Fax 215 685-9649

Theresa.A.Holland@Phila.Gov  
Marietta Green-Russell/PWD/Phila



Marietta  
Green-Russell/PWD/Phila  
05/07/2010 10:55 AM

To Theresa A Holland/PWD/Phila@PHILA  
cc

Subject Fw: Any permits for 4506 Mulberry St. from 8/1/07 to present?

Marietta Green-Russell

Water Meter Group Leader  
Water Meter Division  
29th & Cambria Streets  
215-685-9782  
215-685-9649 FAX

----- Forwarded by Marietta Green-Russell/PWD/Phila on 05/07/2010 11:04 AM -----

**Mattie Brahen/PWD/Phila**

05/07/2010 10:10 AM

To Jack Meade/PWD/Phila@Phila, Marietta  
Green-Russell/PWD/Phila@PHILA

cc

Subject Any permits for 4506 Mulberry St. from 8/1/07 to present?

Hi, Jack & Marietta:

I received an outside subpoena from MCS asking for records for 4506 Mulberry Street, but found no records for that address or research period in the CIS database. Just on the possibility that you have any permits for private plumbers for that address, can you check and get back to me today and let me know if you do or don't?

Thanks,

Mattie 5-6347

**COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF PHILADELPHIA**

SYBIL O'NEILL

PLAINTIFF

DIRECT TV

DEFENDANT

COURT OF COMMON PLEAS

APRIL TERM, 2009

By Norman G. Fraizer  
Chief Deputy City Solicitor

Date: 0-5-10 PR No. 2939

This approval is to form only. If there is any question about the validity of the subpoena of the witness or document to produce, contact the Department of

**SUBPOENA TO PRODUCE DOCUMENTS OR THINGS  
FOR DISCOVERY PURSUANT TO RULE 4009.22**

TO: CUSTODIAN OF RECORDS FOR PHILA. WATER DEPARTMENT

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: \*\*\*\* SEE ATTACHED RIDER \*\*\*\*

at: THE MCS GROUP INC., 1601 MARKET STREET, #800, PHILADELPHIA, PA 19103

(Address)

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

**THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:**

NAME: MICHELE E. TURNER, ESQ.

DATE: APR 29 2010

ADDRESS: 115 N. JACKSON STREET

MEDIA, PA 19063

TELEPHONE: (215) 246-0900

SUPREME COURT ID # \_\_\_\_\_

ATTORNEY FOR: DEFENDANT

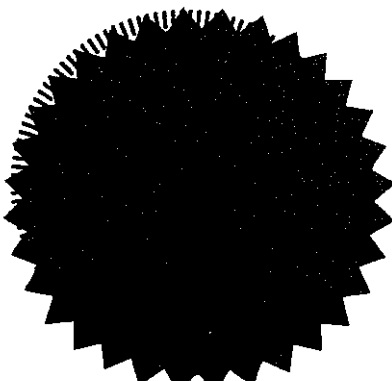
BY THE COURT:  
Joseph H. Evers, Prothonotary

*Theresa M. Taylor*

PRO \_\_\_\_\_

**BUCKLEY EXHIBITS  
Page 157 of 212**

SU02-1221369 16426-L10



# EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

PHILA. WATER DEPARTMENT  
1101 MARKET STREET  
ARE TOWER 5TH FLOOR

PHILADELPHIA, PA 19107

RE: 16426  
SYBIL O'NEIL

*MCS needs:*

*" Any & all work orders,  
permits, complaints, records  
of calls from Ms O'Neil, letters,  
citations & any & all inspection  
reports*

Prior approval is required for fees in excess of \$150.00 for hospitals, \$100.00 for all other providers.

*pertaining to*

ANY AND ALL RECORDS.

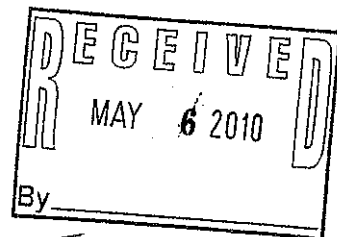
Dates Requested: from: 08-01-2007 to the present.

Subject : SYBIL O'NEIL

4506 MULBERRY STREET, PHILADELPHIA, PA 19124

Date of Birth: 03-27-1936

*" Including ID of inspectors  
who reported for work  
here. "*



*Per Trudy  
Cunningham per  
The attorney.  
Mattie*

**BUCKLEY EXHIBITS**  
SU02-2126-158 of 212

*No records found!*



## MCS Office Directory

### **Corporate Office**

1601 Market Street

Suite 800

Philadelphia, PA 19103-2399

(215) 246-0900

Fax (215) 246-0959

### **Newark Office**

(973) 242-5777

Fax (973) 242-4033

### **Pittsburgh Office**

(412) 642-4420

Fax (412) 642-9088

### **Baltimore Office**

(877) 246-3665 ext. 8106

Fax (800) 943-4450

### **San Antonio Office**

(210) 344-2518

Fax (210) 344-1480

### **Miami Office**

(305) 374-1166

Fax (305) 374-1161

### **Chicago Office**

(312) 750-9005

Fax (312) 750-9008

**BUCKLEY EXHIBITS**

**Page 159 of 212**

Visit us on our website at:

[www.themcsgroup.com](http://www.themcsgroup.com)

**Notes**





# CITY OF PHILADELPHIA

DEPARTMENT OF LICENSES & INSPECTIONS

FRAN BURNS, COMMISSIONER  
MICHAEL E. FINK, DEPUTY COMMISSIONER  
BRIDGET COLLINS-GREENWALD, DEPUTY COMMISSIONER

August 3, 2010

Marlin E. Buckley  
Managing Principal  
Building Experts  
360 East Elm Street  
Conshohocken, PA 19428

Re: Right to Know—4506 Mulberry Street

Dear Mr. Buckley:

This is in response to your request for permit information on the above address. Please be advised that we have no record of any permits issued to 4506 Mulberry Street dating back to 2000. The property is zoned R9 residential, single family dwelling.

I hope the information provided satisfies your concerns at this time.

Sincerely,

A handwritten signature in cursive script that reads "Janice Hall".

Janice Hall  
Admin. Assistant/Right to Know Coordinator

file:rtk(final)4506mulberry

The City of Philadelphia



# **PLUMBING CODE 2004**

**SECOND PRINTING**

(SUBCODE "P" OF TITLE 4,  
THE BUILDING CONSTRUCTION AND OCCUPANCY CODE  
OF THE CITY OF PHILADELPHIA)

CONFORMING TO THE PENNSYLVANIA  
UNIFORM CONSTRUCTION CODE (ACT 45 OF 1999)

**BUCKLEY EXHIBITS**  
**Page 161 of 212**

## **CHAPTER 2**

### **DEFINITIONS**

#### **SECTION P-201 GENERAL**

**P-201.1 Scope.** Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings shown in this chapter.

**P-201.2 Interchangeability.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

**P-201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in the building or mechanical codes listed in Chapter 19, such terms shall have the meanings ascribed to them as in those codes.

**P-201.4 Terms not defined.** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

#### **SECTION P-202 GENERAL DEFINITIONS**

**Air gap.** The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank or plumbing fixture and the flood-level rim of the receptacle.

**Apprentice.** A person registered as an Apprentice Plumber by the City of Philadelphia.

**Approved.** In accordance with the regulations of the Department.

**Area drain.** A drain installed to collect surface or rainwater from an open area. (Also referred to as yard drain.)

**Backflow.** The flow of water or other liquids into the distributing pipes of a potable supply of water from any source or sources other than its intended source, including back-siphonage and flow through a cross connection.

**Backflow connection.** Any arrangement whereby backflow can occur.

**Backflow preventer.** A device or means to prevent backflow.

**Bona fide address.** A genuine and legitimate street address where the Master Plumber conducts his or her business and where he or she can be readily contacted by the Department via telephone, mail or messenger on all regular working days of the Department.

**Branch.** Any part of a plumbing system other than a main.

**Branch vent.** A vent connecting one or more vents with a vent stack or stack vent.

**Circuit vent.** A branch vent that serves two or more traps and extends from in front of the last fixture connection of a horizontal branch to the vent stack.

**Combination fixture.** A fixture which is an integral combination of a sink and a laundry tray in one fixture.

**Combined house drain.** A house drain which receives both storm water and sewage.

**Combined sewer.** A sewer which receives both storm water and sewage.

**Continuous vent, back vent, fixture vent, or trap vent.** A vent that is a straight line continuation of the drain to which it is connected.

**Continuous waste.** A waste from two or more fixtures connected to a single trap.

**Cross connection.** Any physical connection or arrangement of pipes between two otherwise separate water supply systems, one of which contains potable water and the other unsafe water or water of unknown or questionable safety, whereby water may flow from one system to the other, the direction of flow depending on the pressure differential between the two systems, or whereby the potable water may be otherwise contaminated by the questionable water.

**Dead end.** A branch leading from a soil, waste, vent, or house drain and which is terminated at a developed distance of 2 feet or more by means of a cap, plug or other closed fitting.

**Department.** The Department of Licenses and Inspections.

**Developed length.** The length of a line of pipes measured along the center line of the pipes and fittings.

**Diameter.** Unless otherwise specifically stated, the nominal diameter as designated commercially.

**Double offset.** Two offsets installed in series in the same line.

**Drain.** Any pipe which carries waste water, storm water, or water-borne waste in a building drainage system.

**Drainage system.** All the piping within public or private premises which conveys sewage, rainwater or other liquid wastes to a point of disposal. Drainage systems include the house drain, but exclude public sewer systems, private or public sewage-treatment disposal plants, and laterals installed under City ordinance or by an authorized agent of the City.

**Dry vent.** Any vent that does not carry water or water-borne wastes.

**Effective opening.** The minimum cross-sectional area at the point of water-supply discharge, measured or expressed either in terms of the diameter of a circle or equivalent cross-sectional area.

**Fixture branch.** In a water-supply system, the water-supply pipe between the fixture -supply pipe and the water.

**Fixture drain.** The drain from the crown trap of a fixture to the junction of that drain with any other vented drain pipe.

**Fixture-supply pipe.** A water-supply pipe connecting the fixture to the fixture branch at the wall or floor line.

**Fixture unit.** A design factor so chosen that the load-producing values of the different plumbing fixtures can be approximately expressed as multiples of that factor.

**Flood level.** In reference to a plumbing fixture, the level at which water begins to overflow the top or rim of the fixture; in reference to roofs, the level at which water begins to discharge to the storm drain.

**Flood-level rim.** The top edge of the receptacle from which water overflows.

**Flushometers.** A flush valve directly connected to the water supply system.

**Flush valve.** An automatic, delayed-action, self-closing valve for flushing water closets and similar fixtures.

**Fresh air inlet.** A connection to the drainage system to permit the circulation of air through the system.

**Frost-proof closet.** A closet without an integral trap which has its trap and the control valve for its water supply installed below the frost line.

**Grade.**

- (a) The rise, fall or slope of a pipe in reference to the horizontal plane. For drainage piping, grade is normally expressed as the rise or fall in inches or fraction thereof per foot of length of pipe.
- (b) The lowest adjacent ground level, either front, such as pavement; or rear, such as driveway; or area drain level.

**Grease or Oil Interceptor.** A receptacle designed to intercept and retain grease, oil or fatty substances contained in kitchen or other wastes, including but not limited to a "grease trap".


**Horizontal branch.** A branch drain extending laterally from a soil or waste stack, leader, house drain or house storm drain - with or without vertical sections or branches - which receives the discharge from one or more fixture drains or rainwater inlets and conducts it to the respective soil or waste stack, to the house drain, or to the house storm drain.

**Horizontal pipe.** Any pipe or fitting that is installed in a horizontal position or with a slope less than 3 inches per foot of length.

**House drain.** That part of the lowest horizontal piping of a building drainage system, including the horizontal branch from the base of a stack connected to the main house drain, which receives the discharge from soil, waste, or other drainage pipes in the building and conveys it to the existing lateral, main sewer, cesspool or septic tank.

**House storm drain.** A drain used for conveying rainwater, ground water, subsurface water, condensate, cooling water, or other similar discharge to the existing lateral, main sewer, or loose well.

**House sub-drain.** That portion of a drainage system which cannot drain by gravity into the house drain.

 **House trap.** A running trap installed in the house drain to prevent circulation of gases between the drainage system of the building and the sewer.

**Indirect waste pipe.** A waste pipe that does not connect directly to the drainage system but which conveys liquid waste by discharging above flood level into a plumbing fixture or receptacle that is directly connected to the drainage system.

**Industrial waste.** The water-borne wastes of industry or industrial processes.

**Interceptor.** A receptacle designed and constructed to separate or intercept and prevent the passage of oil, flammable or combustible liquid, grease, sand, or other material into the drainage system to which such receptacle is directly or indirectly connected, including but not limited to a “separator”.

**Journeyman plumber.** A person who has obtained a Journeyman Plumber license from the City of Philadelphia.

**Lateral.** The piping from the main sewer to the curb line.

**Leader.** The exterior downspout from the roof to the rainwater conductor.

**Loop vent.** A circuit vent which loops back and connects with a stack vent.

**Main.** The principal artery of any system of piping to which branches are connected.

**Main sewer.** Any sewer owned or maintained by the City.

**Master plumber.** A person who has obtained a Master Plumber license from the City of Philadelphia.

**Minor repairs.** The repair of an existing plumbing fixture, including the replacement of faucets or valves or parts thereof with like material or material serving the same purpose; the clearance of stoppages; the stopping of leaks without replacement of water, drainage or vent piping; the relieving of frozen pipes; other minor replacements or repairs, not including changes in the piping to the fixtures or in drainage, vent or water-supply system, other than the aforementioned items, and not including the replacement of any plumbing fixture. Replacement or repair of hot water heaters and hydronic boilers is not considered minor repairs under this section.

**Offset.** A combination of elbows or bends in a line of piping which brings one section of the pipe out of line with another section.

**Plumber.** A person registered and licensed to install plumbing.

**Plumbing Advisory Board.** A Board consisting of individuals appointed by the Mayor who advise the Commissioner of the Department on matters relating to this code and the plumbing industry.

**Plumbing fixture.** A receptacle which receives water, liquid, or water-borne waste and discharges it into a drainage system to which such receptacle is directly or indirectly connected.

**Plumbing system.** The water-supply system, fixtures, fixture traps, drainage system, vent system, storm water drainage system, vent devices, appurtenances and connections.

**Potable water.** Water from a public or individual water supply system or source which has been approved for human consumption, the preparation of food, and ablutionary purposes with respect to humans and food or food service equipment or utensils, as certified by the Pennsylvania Department of Health or by the Philadelphia Department of Health.

**Private sewer.** Any sewer privately owned and maintained and not directly controlled by the City.

**Rainwater conductor.** That portion of pipe which is outside of a building connecting a “Leader” or which is inside of a building conducting storm water from the roof to the main drain or storm sewer. (See “Leader”.)

**Relief vent.** A branch vent connected to a horizontal branch between the first fixture drain and the soil or waste stack to prevent back pressure on the trap seals.

**Return offset.** A double offset installed so as to return the pipe to its original alignment.

**Rim:** The unobstructed open edge of a fixture.

**Riser:** A water-supply pipe which extends vertically one full story or more to convey water to branches or fixtures.

**Sand interceptor.** An interceptor primarily intended to intercept sand or earth, including but not limited to a “sand trap”.

**Sanitary sewer.** A sewer which carries sewage or industrial waste and excludes storm, surface and ground water.

**Sewage:** Any liquid waste from buildings or premises which contains animal or vegetable matter in suspension or solution, or liquids containing minerals in solution from laboratories or industrial establishments.


**Single soil or waste stack system.** A soil or waste stack that has individual fixture drains, individual blind closet bends, individual closet bends with two separate fixture drains connected to the closet bend, and a uniformly-sized horizontal soil or waste branch with two or more fixtures and which is vented by either a branch vent or a loop vent connected to the soil or waste stack at any branch interval.

**Size of pipe or tubing.** The nominal size that pipe or tubing is commercially designated.

**Slant.** An outlet connection, at the main sewer for receiving storm or sanitary waste from the lateral.

**Soil pipe.** Any pipe, except an individual fixture drain 8 feet or less in length, which conveys the discharge of water closets or plumbing fixtures having similar functions, with or without the discharge from other fixtures.

**Stack.** A general term for the vertical main of a system of soil, waste, or vent piping.


 **Stack vent.** The extension of a soil or waste stack above the highest horizontal branch connected to the stack.

**Storm drain.** A drain used for conveying rainwater, subsurface water, condensate, cooling water, or similar discharges and which is connected to a storm sewer or other approved place of disposal.


**Storm sewer.** A sewer which receives discharge from storm drains or surface, subsurface, or storm water from the ground, streets, roofs, or other areas, including street wash, but not including sewage or untreated liquid industrial waste.

**Subsoil drain.** A drain installed for collecting subsurface or seeping water and conveying it to a place of disposal.

**Sump.** A tank or pit which receives the discharge from drains or other wastes, and from which the discharge is pumped, ejected or otherwise mechanically propelled into a drainage system.

 **Trap.** A fitting or device so designed and constructed as to provide a liquid seal which will prevent the back passage of sewer gases without materially affecting the flow of sewage or waste water through it.

**Trap seal.** The vertical distance between the crown weir and the dip of the trap.

 **Vent stack.** A vertical pipe installed primarily for the purpose of providing circulation of air to or from any part of the drainage system, including but not limited to a “main vent”.

**Vent system.** A pipe or pipes installed to provide a flow of air to or from a drainage system or to provide a circulation of air within such system to protect trap seals from siphonage and backpressure.

**Waste pipe.** Any pipe, except an individual fixture drain 12 feet or less in length, which receives the discharge of any fixture, except water closets or similar fixtures, and conveys it to the house drain, soil, or waste stack.

**Water distribution pipe.** The pipe from the curb stop to the building or premises.

**Water main.** A water supply pipe for public or community use.

**Water outlet.** The water discharge opening as used in connection with the water-distribution system.

**Water-service pipe.** The pipe from the water main to the curb stop.

**Water-supply pipes.** The pipes in a building which convey water from the water distribution pipe to the plumbing fixtures or other outlets.

**Water-supply system.** The water-service pipe, the water distribution pipe, the water-supply pipes, and the necessary connecting pipes, fittings, control valves, tanks, water heaters, water filtering or treatment equipment, and all appurtenances forming part of the system for supplying water to plumbing fixtures or other water outlets on the premises.

**Wet vent.** A waste pipe that serves also as a vent.

**Yoke vent.** A pipe connection directly below a flat offset and paralleling the horizontal line and soil stack and connecting into the stack vent or vent stack above the highest fixture.

### SECTION P-203 ABBREVIATIONS

**P-203.1** The following abbreviations apply where used in this code:

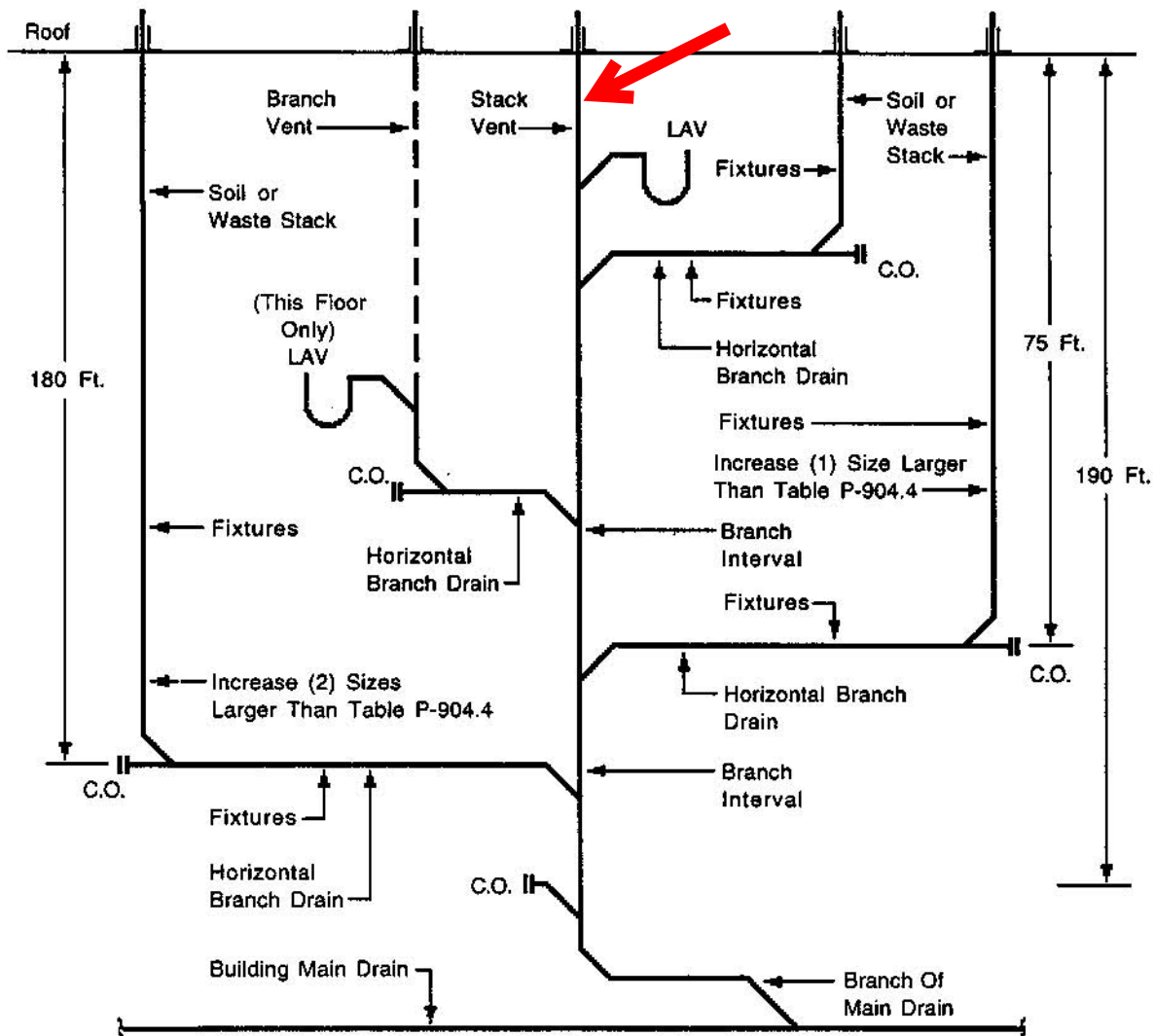
ANSI:	American National Standards Institute.
ASME:	American Society of Mechanical Engineers.
ASTM:	American Society for Testing and Materials.
AWS:	American Welding Society.
AWWA:	American Water Works Association.
CABO:	Council of American Building Officials.
CSA:	Canadian Standards Association.
CISPI:	Cast Iron Soil Pipe Institute.
FS:	Federal Specifications.
NSF:	National Sanitation Foundation.
OSHA:	Occupational Safety and Health Administration.

# CHAPTER 11 VENTS AND VENTING

## SECTION P-1101 VENTING

**P-1101.1 Required.** All fixtures shall be adequately vented to prevent syphonic action and to protect trap seals.

**Figure P-1101.0**

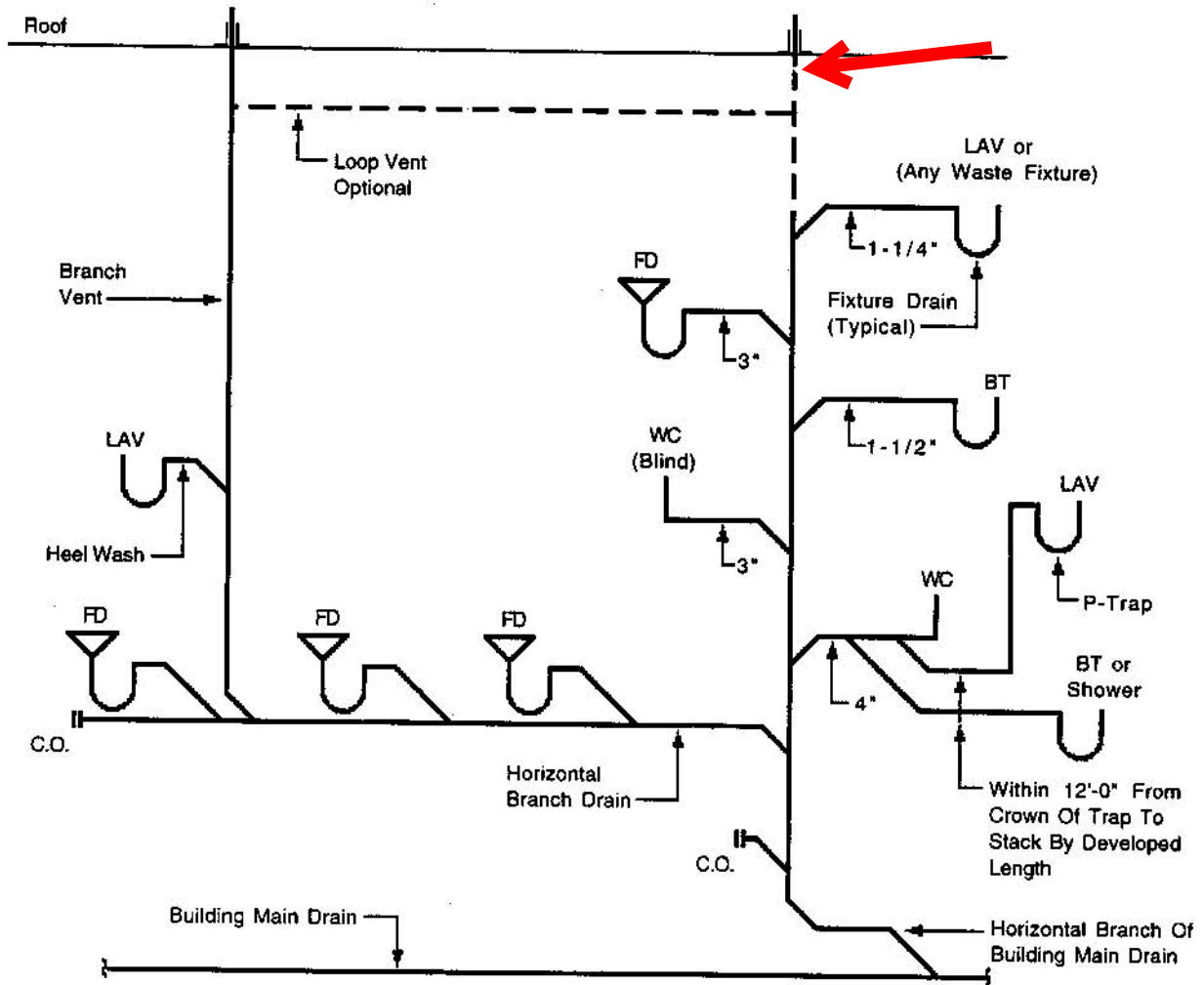


\* Refer to Chapter 9 For Sizing Soil and Waste Stacks

**PHILADELPHIA SINGLE STACK SYSTEM and HORIZONTAL BRANCH DRAINS  
VENTED BY BRANCH VENTS OR SOIL and WASTE STACKS**



Figure P-1101.0a



\* Refer To Chapter 9 For Sizing Soil and Waste Stacks

**PHILADELPHIA SOIL OR WASTE STACK SYSTEM and HORIZONTAL  
BRANCH DRAIN and BRANCH VENT**

**SECTION P-1102 MATERIALS**

**P-1102.1 Above-ground venting.** Vent pipes shall be cast iron (hub or hubless), galvanized malleable iron split couplings (victaulic), type DWV copper tubing or heavier, brass, stainless steel (409 type "G" copper-coated), ABS plastic pipe or PVC plastic pipe. The pipe and fittings for each type of pipe including malleable fittings, shall comply with the applicable specifications listed in Section P-305.

**P-1102.1.1 Corrosion resistance.** Vent pipe exposed to fumes from waste piping carrying corrosive industrial wastes shall be acid-resisting cast iron, chemical porcelain, heat resistant pre-stressed borosilicate glass, polyethylene or polypropylene.

**P-1102.1.2 Fittings.** Fittings on ferrous pipe shall be of cast iron or malleable iron. Drainage type fittings shall be required only where vent lines connect to drainage lines.


**P-1102.2 Underground venting.** Underground vent pipe shall be of cast iron or copper tube of a weight not less than type "L" hard temper. All underground vent piping installed parallel to a foundation wall shall be at least 3 feet from the building foundation wall when the depth does not exceed 4 feet. One foot of additional distance from the foundation wall shall be required for each additional one-foot depth below 4 feet.

**P-1102.2.1 Fittings.** Fittings shall conform to Section P-1102.1.2.


**P-1102.3 Plastic pipes.** Vent pipes of ABS plastic and PVC plastic shall be limited to installations of buildings containing dwelling units only. Such buildings shall consist of from one to four families and shall not exceed three stories in height. For the purpose of this section, basements are not considered a story height.

**P-1102.3.1 Joints.** PVC joints shall be solvent weld.

### SECTION P-1103 PROTECTION OF TRAP SEALS

 **P-1103.1 Connection.** The seal of every fixture trap in a plumbing system shall be protected by being individually connected to a properly vented drain.

**Exception:** Leader traps, area drain traps, and yard drain traps.

 **P-1103.2 Stack vents.** Every soil or waste stack shall be extended vertically, full size, as a stack vent to open air.

**P-1103.3 Vent stacks.** A vent stack or main vent shall be installed with a soil or waste stack when relief vents or other branch vents are required in more than five branch intervals. The vent stack shall terminate independently in the open air above the roof or shall be connected with the stack vent at least 6 inches above the flood level rim of the highest fixture and shall connect with the soil or waste stack through, at, or below the lowest horizontal soil or waste branch, or with the house drain, in such manner as to prevent the accumulation of rust scale. When water closets are installed on this lowest horizontal branch, they shall be connected to the side of the horizontal branch.

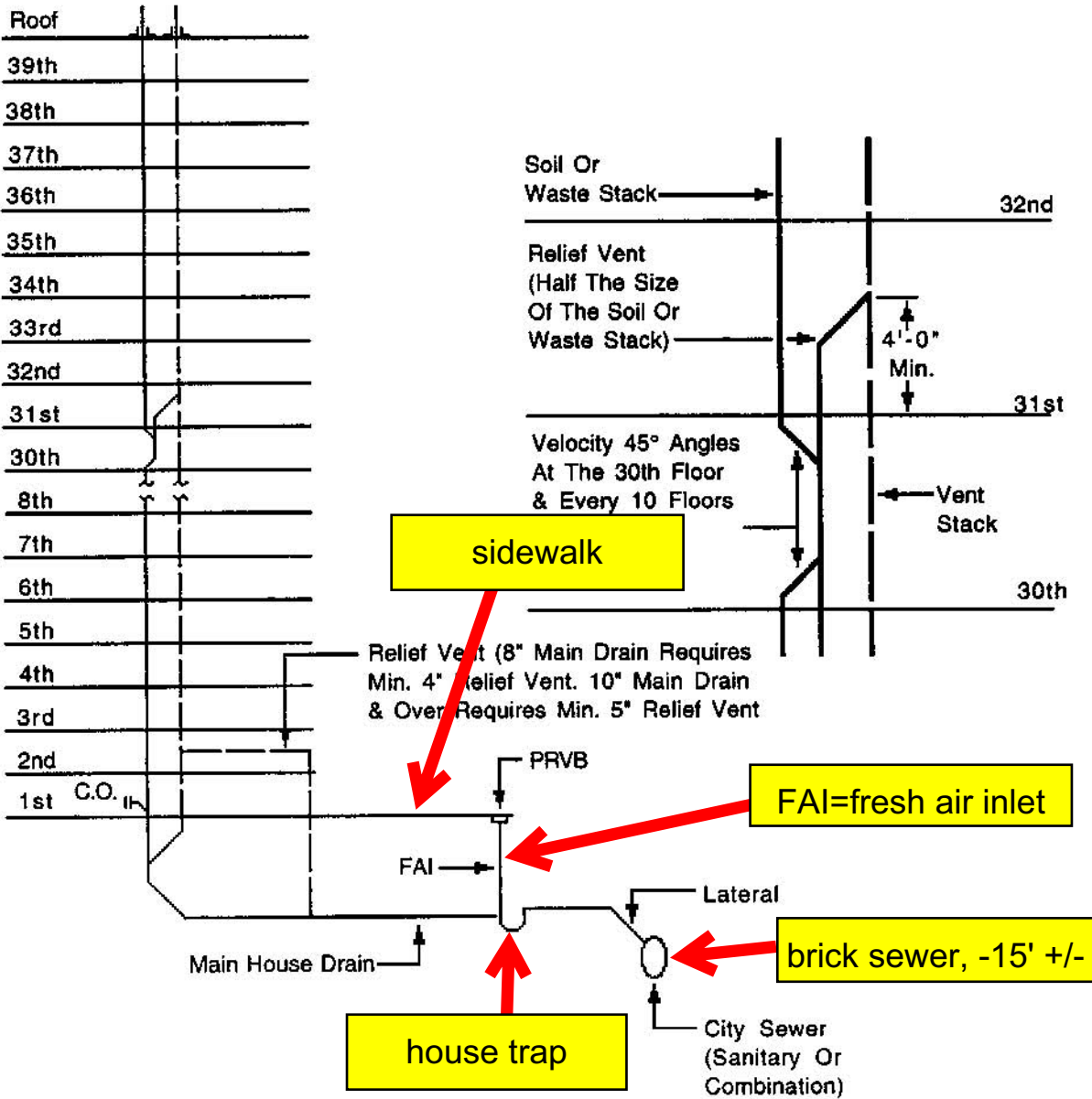
**P-1103.3.1 Vent required.** Every building in which plumbing is installed shall have at least one stack vent or vent stack which shall run undiminished in size and as directly as possible from the building drainage system through to the open air above the roof and in accordance with Section P-1103.4. The minimum size of the stack vent or vent stack shall be 3 inches.

**P-1103.4 Location of vent terminals.** No vent terminal from a sanitary drainage system shall be directly beneath any door, window or other ventilating opening of the same or adjacent building, nor shall any such vent terminal be within 12 feet horizontally of such an opening unless it is at least 3 feet above the top of such opening.

**P-1103.4.1 Above roof.** Extensions of vent pipes through a roof shall be terminated at least 2 feet above the roof surface and shall be properly flashed. Where the roof is used for any purpose other than weather protection, the vent pipe shall extend at least 7 feet above the roof surface and shall be properly supported.

**P-1104.3 Relief vent.** A relief vent pipe shall be installed on the main drain before the main house trap inside the building and be connected to the nearest vent line for any building 75 feet or higher. On main drains of 8 inches or less, the vent shall be a minimum of 4 inches. On main drains 10 inches and over, the relief vent shall be a minimum of 5 inches.

**Figure P-1104.0**



**VELOCITY BREAKS IN BUILDINGS OVER 30 STORIES**

*A Member of the International Code Family®*



# INTERNATIONAL PLUMBING CODE®

# 2006


**BUCKLEY EXHIBITS**  
Page 171 of 212

## CHAPTER 9

# VENTS

### SECTION 901 GENERAL

**901.1 Scope.** The provisions of this chapter shall govern the materials, design, construction and installation of vent systems.

 **901.2 Trap seal protection.** The plumbing system shall be provided with a system of vent piping that will permit the admission or emission of air so that the seal of any fixture trap shall not be subjected to a pneumatic pressure differential of more than 1 inch of water column (249 Pa).

**901.2.1 Venting required.** Every trap and trapped fixture shall be vented in accordance with one of the venting methods specified in this chapter.

**901.3 Chemical waste vent system.** The vent system for a chemical waste system shall be independent of the sanitary vent system and shall terminate separately through the roof to the open air.

**901.4 Use limitations.** The plumbing vent system shall not be utilized for purposes other than the venting of the plumbing system.

**901.5 Tests.** The vent system shall be tested in accordance with Section 312.

**901.6 Engineered systems.** Engineered venting systems shall conform to the provisions of Section 918.

### SECTION 902 MATERIALS

**902.1 Vents.** The materials and methods utilized for the construction and installation of venting systems shall comply with the applicable provisions of Section 702.

**902.2 Sheet copper.** Sheet copper for vent pipe flashings shall conform to ASTM B 152 and shall weigh not less than 8 ounces per square foot (2.5 kg/m<sup>2</sup>).

**902.3 Sheet lead.** Sheet lead for vent pipe flashings shall weigh not less than 3 pounds per square foot (15 kg/m<sup>2</sup>) for field-constructed flashings and not less than 2.5 pounds per square foot (12 kg/m<sup>2</sup>) for prefabricated flashings.

### SECTION 903 OUTDOOR VENT EXTENSION

**903.1 Required vent extension.** The vent system serving each building drain shall have at least one vent pipe that extends to the outdoors.

**903.1.1 Installation.** The required vent shall be a dry vent that connects to the building drain or an extension of a drain that connects to the building drain. Such vent shall not be an island fixture vent as allowed by Section 913.

**903.1.2 Size.** The required vent shall be sized in accordance with Section 916.2 based on the required size of the building drain.

**903.2 Vent stack required.** A vent stack shall be required for every drainage stack that has five branch intervals or more.

**903.3 Vent termination.** Every vent stack or stack vent shall terminate outdoors to the open air or to a stack-type air admittance valve in accordance with Section 917.

**903.4 Vent connection at base.** Every vent stack shall connect to the base of the drainage stack. The vent stack shall connect at or below the lowest horizontal branch. Where the vent stack connects to the building drain, the connection shall be located downstream of the drainage stack and within a distance of 10 times the diameter of the drainage stack.

**903.5 Vent headers.** Stack vents and vent stacks connected into a common vent header at the top of the stacks and extending to the open air at one point shall be sized in accordance with the requirements of Section 916.1. The number of fixture units shall be the sum of all fixture units on all stacks connected thereto, and the developed length shall be the longest vent length from the intersection at the base of the most distant stack to the vent terminal in the open air, as a direct extension of one stack.

### SECTION 904 VENT TERMINALS

**904.1 Roof extension.** All open vent pipes that extend through a roof shall be terminated at least [NUMBER] inches (mm) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134 mm) above the roof.

**904.2 Frost closure.** Where the 97.5-percent value for outside design temperature is 0°F (-18°C) or less, every vent extension through a roof or wall shall be a minimum of 3 inches (76 mm) in diameter. Any increase in the size of the vent shall be made inside the structure a minimum of 1 foot (305 mm) below the roof or inside the wall.

**904.3 Flashings.** The juncture of each vent pipe with the roof line shall be made water tight by an approved flashing.

**904.4 Prohibited use.** Vent terminals shall not be used as a flag pole or to support flag poles, television aerials or similar items, except when the piping has been anchored in an approved manner.

**904.5 Location of vent terminal.** An open vent terminal from a drainage system shall not be located directly beneath any door, openable window, or other air intake opening of the building or of an adjacent building, and any such vent terminal shall not be within 10 feet (3048 mm) horizontally of such an opening unless the vent is located at least 7 feet (2134 mm) above the top of such opening.

floor, and the upper end shall connect to the vent stack through a wye not less than 3 feet (914 mm) above the floor.

**SECTION 915  
VENTS FOR STACK OFFSETS**

**915.1 Vent for horizontal offset of drainage stack.** Horizontal offsets of drainage stacks shall be vented where five or more branch intervals are located above the offset. The offset shall be vented by venting the upper section of the drainage stack and the lower section of the drainage stack.

**915.2 Upper section.** The upper section of the drainage stack shall be vented as a separate stack with a vent stack connection installed in accordance with Section 903.4. The offset shall be considered the base of the stack.

**915.3 Lower section.** The lower section of the drainage stack shall be vented by a yoke vent connecting between the offset and the next lower horizontal branch. The yoke vent connection shall be permitted to be a vertical extension of the drainage stack. The size of the yoke vent and connection shall be a minimum of the size required for the vent stack of the drainage stack.

**SECTION 916  
VENT PIPE SIZING**

**916.1 Size of stack vents and vent stacks.** The minimum required diameter of stack vents and vent stacks shall be determined from the developed length and the total of drainage fixture units connected thereto in accordance with Table 916.1, but in no case shall the diameter be less than one-half the diameter of the drain served or less than 1 1/4 inches (32 mm).

**916.2 Vents other than stack vents or vent stacks.** The diameter of individual vents, branch vents, circuit vents and relief vents shall be at least one-half the required diameter of the drain served. The required size of the drain shall be determined in accordance with Table 710.1(2). Vent pipes shall not be less than 1 1/4 inches (32 mm) in diameter. Vents exceeding 40 feet (12 192 mm) in developed length shall be increased by one nominal pipe size for the entire developed length of the vent pipe. Relief vents for soil and waste stacks in buildings having more than 10 branch intervals shall be sized in accordance with Section 914.2.

**916.3 Developed length.** The developed length of individual, branch, circuit and relief vents shall be measured from the farthest point of vent connection to the drainage system to the point of connection to the vent stack, stack vent or termination outside of the building.

**TABLE 916.1  
SIZE AND DEVELOPED LENGTH OF STACK VENTS AND VENT STACKS**

DIAMETER OF SOIL OR WASTE STACK (inches)	TOTAL FIXTURE UNITS BEING VENTED (dfu)	MAXIMUM DEVELOPED LENGTH OF VENT (feet) <sup>a</sup> DIAMETER OF VENT (inches)										
		1 1/4	1 1/2	2	2 1/2	3	4	5	6	8	10	12
1 1/4	2	30										
1 1/2	8	50	150	—	—	—	—	—	—	—	—	—
1 1/2	10	30	100									
2	12	30	75	200								
2	20	26	50	150								
2 1/2	42		30	100	300							
3	10		42	150	360	1,040						
3	21	—	32	110	270	810	—	—	—	—	—	—
3	53		27	94	230	680						
3	102		25	86	210	620						
4	43	—		35	85	250	980	—	—	—	—	—
4	140			27	65	200	750					
4	320			23	55	170	640					
4	540	—	—	21	50	150	580					
5	190				28	82	320	990				
5	490				21	63	250	760				
5	940	—	—	—	18	53	210	670	—	—	—	—
5	1,400				16	49	190	590				
6	500					33	130	400	1,000			
6	1,100	—	—	—	—	26	100	310	780	—	—	—
6	2,000					22	84	260	660			
6	2,900					20	77	240	600			
8	1,800	—	—	—	—		31	95	240	940	—	—
8	3,400						24	73	190	720		

(continued)

O'Neil vs. DirecTV

dish assembly

June 24, 2010

MEBPC-MEB

mounting  
bracket

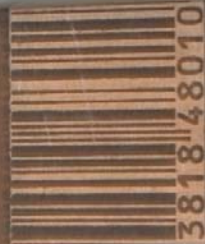
as received from Mike Walker,  
current area manager, DirecTV,  
June 22, 2010

receiver  
module

sealed carton of 5  
dishes



050410



3818 48010



A-18-5





DSA-18-5



DSA-18-5





Instructions for the DIRECTV™ Satellite Dish Antenna

1. Unpack the satellite dish antenna and the mounting bracket. The satellite dish antenna is the large, circular, silver object. The mounting bracket is the smaller, rectangular object. The mounting bracket is used to attach the satellite dish antenna to the wall or ceiling.

2. Read the instructions for the mounting bracket. The mounting bracket instructions are located in the instruction manual. The mounting bracket instructions describe how to attach the mounting bracket to the wall or ceiling.

3. Attach the mounting bracket to the wall or ceiling. The mounting bracket is attached to the wall or ceiling using the screws provided in the instruction manual. The mounting bracket should be attached to a solid surface.

4. Attach the satellite dish antenna to the mounting bracket. The satellite dish antenna is attached to the mounting bracket using the screws provided in the instruction manual. The satellite dish antenna should be attached to the mounting bracket so that it is pointing towards the satellite in the sky.

5. Point the satellite dish antenna towards the satellite in the sky. The satellite dish antenna should be pointed towards the satellite in the sky. The satellite dish antenna should be pointed towards the satellite in the sky so that it can receive the satellite signal.

6. Test the satellite dish antenna. The satellite dish antenna should be tested to ensure that it is receiving the satellite signal. The satellite dish antenna should be tested by pointing it towards the satellite in the sky and checking for a signal.

7. Troubleshoot any problems. If you are having trouble with the satellite dish antenna, you should troubleshoot the problem. The troubleshooting instructions are located in the instruction manual. The troubleshooting instructions describe how to solve common problems with the satellite dish antenna.

8. Contact customer support. If you are still having trouble with the satellite dish antenna, you should contact customer support. Customer support can help you solve any problems with the satellite dish antenna.

9. Enjoy your satellite TV service. Once you have successfully installed and tested the satellite dish antenna, you can enjoy your satellite TV service. The satellite dish antenna will receive the satellite signal and deliver it to your satellite TV receiver.

10. Diagrams: The instruction manual includes diagrams showing the correct way to attach the mounting bracket to the wall or ceiling and the correct way to attach the satellite dish antenna to the mounting bracket. The diagrams also show the correct way to point the satellite dish antenna towards the satellite in the sky.







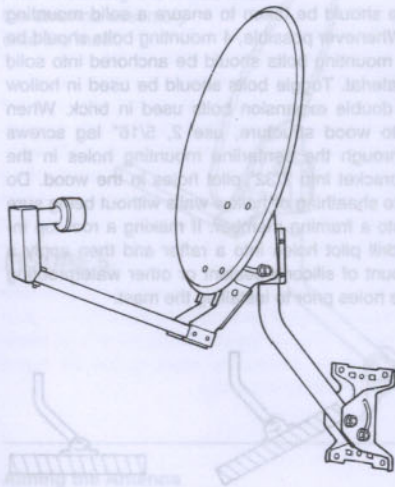
# Installation Manual for DIRECTV® Satellite Dish Antenna

## Always:

- Before you start mounting, make sure you have decided upon an appropriate mounting location, one that is strong enough and has a clear view in the direction of the satellite year round. (Trees and buildings are considered obstructions.) Be sure the mounting surface is not decorative or a facade.
- Make sure any installation conforms with your local building and electrical codes and also any local covenants. If you are unsure, consult a licensed building inspector or contractor in your area.
- Make sure the location of the antenna will not require use of over 100' of cable to reach the receiver. If this is the case, you may need to amplify the signal using a line amplifier and/or a DC power inserter to replace DC line drop. Be sure you are able to route the cable to the receiver location from the antenna location.

## Do Not:

- Install an antenna near power lines or in a location exposed to extortionately high winds.
- Install the antenna during a period of high winds or when there is a possibility of lightning.
- Install the antenna to mortar between bricks/blocks or over aluminum/vinyl siding.



## WARNINGS

Local building and electrical codes (see latest revision of National Electrical Code) require proper grounding of the antenna mount and coaxial cables. Improper installations can cause damage to equipment, the building and *injury or death to you*. Contact a licensed inspector or electrician in your area for assistance.

**WATCH OUT for Powerlines** overhead, buried underground and hidden behind walls. Take extreme care to avoid contact with any power lines with ladders, satellite system parts or tools during the installation to avoid severe injury or death.

## Pre-Assembly of Antenna

1-Assemble reflector to back-up/feed support assembly.

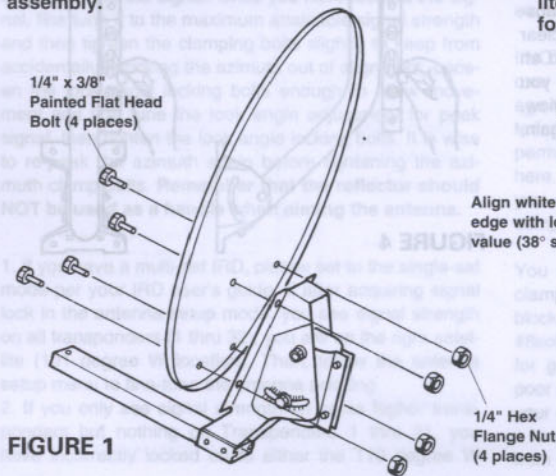


FIGURE 1

2-Find look angle and azimuth values from satellite receiver (refer to receiver manual for this information) and preset look angle on antenna.

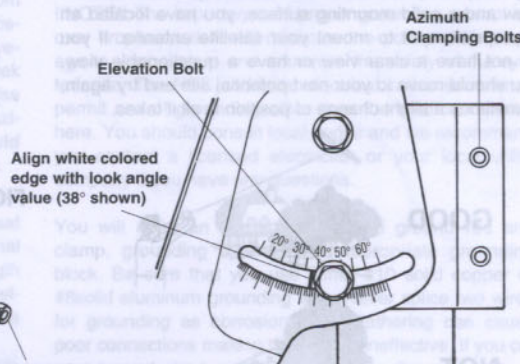


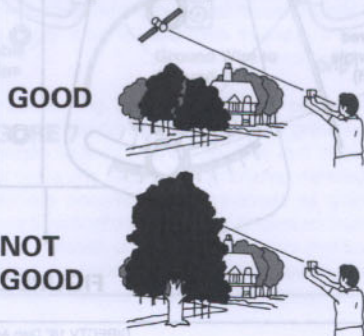
FIGURE 2

### Where to Install

Remember that when exposed to strong winds, even a small satellite antenna can exert several hundred pounds of force on the surface on which it's mounted. Be sure that wherever the antenna is mounted, the structure is stable and strong enough to withstand these loads.

### Site Survey

Judging whether a mounting location has a clear view of the satellite is a fairly simple process. Using the azimuth angle given to you by your satellite receiver and a compass you can find the direction to the satellite. A compass dial is calibrated in degrees, north being 0 degrees, east being 90 degrees, south being 180 degrees and west being 270 degrees. Holding the compass so that the needle lines up with north, find the azimuth angle on the compass dial. Be sure when using a compass, that it is not held near other metal objects. This is the direction to the satellite. You may want to mark it somehow for reference (lay a broom or shovel handle on the ground pointing to the satellite.) The look angle given to you is the angle from horizontal (going up from the horizon) toward the satellite. You can estimate this angle based on horizontal being 0 degrees and vertical being 90 degrees, 45 degrees would be half way between, 30 degrees would be 1/3 etc. Looking along the azimuth marker you set on the ground and at the same time, sighting up the look angle value should allow you to judge whether your antenna would have a clear view to the satellite. Remember the view to the satellite **cannot** be obstructed by any trees, buildings or powerlines. Remember that if you are installing during late fall or winter, trees that have no leaves at the time of your survey will have leaves in the spring and summer. Also, trees that are below your line of sight may grow into the view of the antenna causing reception problems in the future. If you have a clear view and a solid mounting surface, you have located an appropriate spot to mount your satellite antenna. If you do not have a clear view or have a questionable view, you should move to your next potential site and try again, sometimes a slight change of position is all it takes.



### 3 & 4-Installation of Mast

Again, care should be taken to ensure a solid mounting situation. Whenever possible, 4 mounting bolts should be used. The mounting bolts should be anchored into solid backing material. Toggle bolts should be used in hollow block and double expansion bolts used in brick. When mounting to wood structure, use 2, 5/16" lag screws screwed through the centerline mounting holes in the mounting bracket into 7/32" pilot holes in the wood. Do not screw to sheathing or hollow walls without being sure to screw into a framing member. If making a roof top installation, drill pilot holes into a rafter and then apply a liberal amount of silicone sealant or other waterproofing caulk to the holes prior to installing the mast.

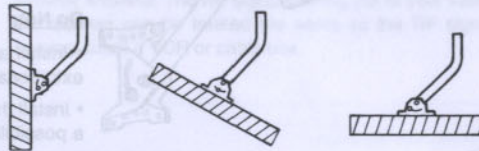


FIGURE 3

For ease of pointing the antenna, it is important that the upper portion of the mast be plumb in all directions. If the mast is not plumb, the look angle given to you by your satellite receiver will not be appropriate. This makes finding the signal much more difficult. Use a torpedo level or carpenter's level as shown to ensure the mast is vertical in all directions.

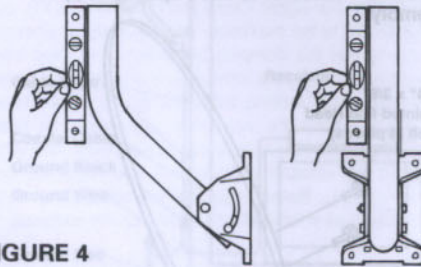


FIGURE 4



**5-Install Antenna on Mast**  
After mounting the mast, slide the antenna assembly onto the mast.

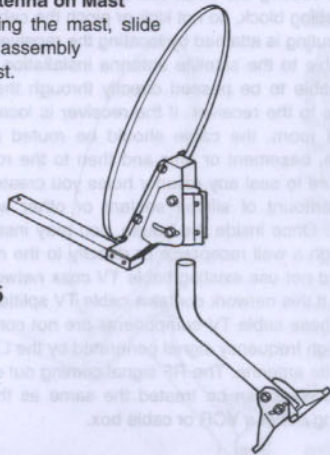
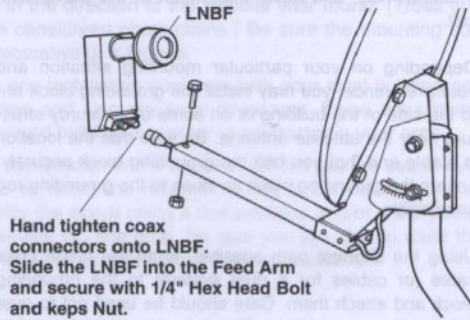


FIGURE 5

**6-Thread Cable and Install LNBF**  
Thread the coaxial cable(s) up through the mast, down between the reflector and the mast and then out through the LNBF arm. Be careful not to kink or pinch the cable.



Hand tighten coax connectors onto LNBF. Slide the LNBF into the Feed Arm and secure with 1/4" Hex Head Bolt and keps Nut.

FIGURE 6

**Aiming the Antenna**

With the look angle preset earlier, you should be able to quickly find the satellite signal. To aim the antenna, attach the cable from the LNBF to the receiver, set the receiver to the signal strength meter (available on the set up menu on most receivers) and have someone watch the meter while you adjust the antenna azimuth to locate the signal. When possible, hook up a portable TV and receiver right at the installation site for even easier aiming. To find the signal, rotate the antenna from a position slightly away from your azimuth mark towards the projected azimuth a few degrees at a time, pausing for several seconds after each move to allow the receiver to try and lock on to the signal. Once you have located the signal, fine tune it to the maximum attainable signal strength and then tighten the clamping bolts slightly to keep from accidentally knocking the azimuth out of alignment. Loosen the look angle locking bolts enough to allow movement and fine tune the look angle adjustment for peak signal, then tighten the look angle locking bolts. It is wise to re-peak the azimuth again before tightening the azimuth clamp bolts. **Remember that the reflector should NOT be used as a handle when aiming the antenna.**

1. If you have a multi-sat IRD, please set to the single-sat mode per your IRD user's guide. If after acquiring signal lock in the antenna setup mode, you see signal strength on all transponders (1 thru 32), you are on the right satellite (101 degree W location). Then, follow the antenna setup menu to fine-tune the antenna pointing.
2. If you only see signal strength on some higher transponders but nothing on Transponders 1 thru 21, you have incorrectly locked on to either the 110 degree W

satellite or the 119 degree W satellite. If that is the case, turn the dish horizontally (azimuth movement) to the left approximately 9 degrees at a time (looking at the back of the dish), until you see all 32 transponders. Then, follow the antenna setup menu to fine-tune the antenna pointing.

**Finishing Up**

As with any such installation, you should now ground the satellite antenna and the coaxial cable in accordance with the National Electrical Code (NEC) and also to local electrical codes. This will help protect against damage caused by lightning strikes and other electrical discharges. Even lightning several miles away can generate enough electricity in the air to damage your system.

**!NOTE!!** The importance of proper grounding cannot be over emphasized. It will minimize the potential for damage to your system and maximize the safety of the system site. The NEC and local electrical codes sometimes permit use of grounding other than the method outlined here. You should consult local codes and we recommend you contact a licensed electrician or your local utility company if you have any questions.

You will need an 8-foot copper clad ground rod and clamp, grounding wire and an appropriate grounding block. Be sure that you use either #10 solid copper or #8 solid aluminum grounding wire. Never splice two wires for grounding as corrosion and weathering can cause poor connections making the ground ineffective. If you cut your ground wire too short, you need to discard it and cut a longer piece. Materials used for grounding are available from most electronic supply stores or hardware stores.

You should drive the ground rod into the ground as close to the installation as possible and as close to the building as possible. It is wise to slide the clamp over the rod prior to driving it in, as afterwards the end of the rod may be "mushroomed" and make installation of the clamp difficult.

Depending on your particular mounting situation and your preference, you may install the grounding block onto the side of the building or on some other sturdy structure near the satellite antenna. Be sure that the location is stable and that you bolt the grounding block securely. Locate the grounding block as close to the grounding rod as possible.

Using the shortest path possible, route the LNBF coax cable (or cables for a dual system) to the grounding block and attach them. Care should be used not to over tighten coax connections. Tightening by hand is usually tight enough. Be sure to leave a "drip loop" to allow moisture to drip from the cables instead of running into the connector(s.) Connect the cable (or cables) from your satellite receiver(s) to the connector(s) on the ground block on the opposite side from the LNBF cable(s.) You should use cable clips to fasten the cables to the side of the building, this ensures that the cables won't be dislodged or damaged by animals, people or weather. Install the ground wire by inserting in the terminal on the grounding block and tightening the screw to hold it in place. Attach the other end of the ground wire to the grounding clamp on the ground rod and tighten.

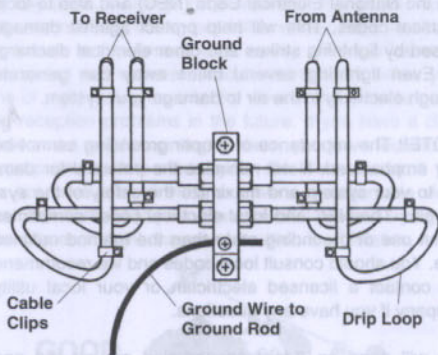


FIGURE 7

While routing the coax cable to your receiver from the grounding block, do not kink or pinch the cable. The easiest routing is attained by locating the receiver as close as possible to the satellite antenna installation. This allows the cable to be passed directly through the wall of the house to the receiver. If the receiver is located in an internal room, the cable should be routed into a crawl space, basement or attic and then to the room desired. Be sure to seal any exterior holes you created with a liberal amount of silicon sealant or other waterproofing caulk. Once inside the house, you may install the cable through a wall receptacle or directly to the receiver. You should not use existing cable TV coax networking, especially if this network contains cable TV splitters or amplifiers. These cable TV components are not compatible with the high frequency signal generated by the LNBF on your satellite antenna. The RF signal coming out of your satellite receiver can be treated the same as the RF signal coming out of a VCR or cable box.

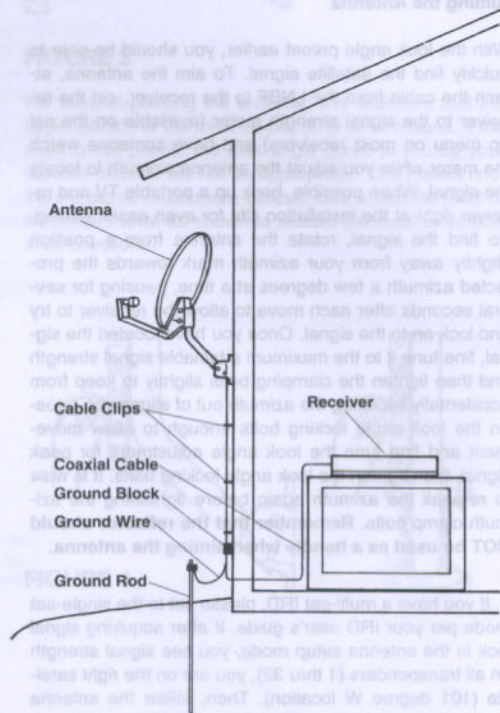
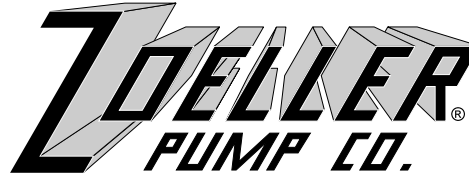


FIGURE 8

DIRECTV is a registered trademark of DIRECTV, Inc., a unit of Hughes Electronics Corporation.

E-4075

*"QUALITY PUMPS SINCE 1939"*



FM1469  
0103  
Supersedes  
1002

Product information presented here reflects conditions at time of publication. Consult factory regarding discrepancies or inconsistencies.

MAIL TO: P.O. BOX 16347 • Louisville, KY 40256-0347  
SHIP TO: 3649 Cane Run Road • Louisville, KY 40211-1961  
(502) 778-2731 • 1 (800) 928-PUMP • FAX (502) 774-3624

visit our web site:  
<http://www.zoeller.com>



**QWIK JON 100/101/102 SYSTEMS  
INSTALLATION INSTRUCTIONS**

MODEL NO. \_\_\_\_\_  
DATE CODE: \_\_\_\_\_  
DATE INSTALLED: \_\_\_\_\_

**PREINSTALLATION CHECKLIST**

Patent No. 5,038,418

1. Inspect all materials. Occasionally, products are damaged during shipment. If the unit is damaged, contact your dealer before using. **Do Not** remove the test plugs from the pump.
2. Carefully read all the literature provided to familiarize yourself with specific details regarding installation and use before attempting the installation. These materials should be retained for future reference.

**WARNING**

SEE BELOW FOR LIST OF WARNINGS

1. To help reduce the risk of electrical shock, a properly grounded receptacle or control box of grounding type must be installed and protected by a ground fault circuit interrupter (GFCI) in accordance with the National Electrical Code and applicable local codes. **Never remove ground pin from plug.** If pump is wired direct, a GFCI must be installed in the control box. (SEE WARNING BELOW)
2. Make certain that the ground fault interrupter protected receptacle or control box is within reach of the pump's power supply cord. **DO NOT USE AN EXTENSION CORD.** Extension cords that are too long or too light do not deliver sufficient voltage to the pump motor. But more important, they could present a safety hazard if the insulation were to become damaged or the connection end were to fall into a damp or wet area.
3. **Make sure the pump's electrical supply circuit is equipped with fuses or circuit breakers of proper capacity.** A separate branch circuit, sized according to the National Electrical Code for the current shown on the pump name plate is recommended.
4. **TESTING FOR GROUND.** As a safety measure, each electrical outlet should be checked for ground using an Underwriters Laboratory Listed circuit analyzer which will indicate if the power, neutral and ground wires are correctly connected to your outlet. If they are not, call a qualified licensed electrician.
5. **FOR YOUR PROTECTION ALWAYS DISCONNECT PUMP FROM ITS POWER SOURCE BEFORE HANDLING.** If pump is wired direct, de-energize the circuit at the control box. Grounded pumps are supplied with a 3-prong grounded plug to help protect you against the possibility of electrical shock. **DO NOT UNDER ANY CIRCUMSTANCES REMOVE THE GROUND PIN.** To reduce the risk of electrical shock, a properly grounded receptacle or control box of grounding type must be installed and protected by a ground fault circuit interrupter (GFCI) in accordance with national electrical code and applicable local codes.
6. Installation and checking of electrical circuits and hardware should only be performed by a qualified licensed electrician.

**CAUTION**

SEE BELOW FOR LIST OF CAUTIONS

1. Check to be sure your power source is adequate to handle the amperage requirements of the motor as indicated on the pump or unit I.D. tag.
2. All plumbing (discharge and vent lines) must be installed to meet local codes. **Unit must be vented. Do not use an automatic plumbing vent device. Toilet will not flush.**
3. Maximum continuous operating temperature for models 100 and 102 must not exceed 130° F (54° C). Maximum continuous operating temperature for model 101 must not exceed 110° F (43° C).

**NOTES**

SEE BELOW FOR LIST OF NOTES

1. Repair and service should be performed by an Authorized Service Station only. (Consult factory.)
2. NOTE: Recommended for installations up to 13' (Models 100/101) and 16' (Model 102) total dynamic head. Consult factory if installation is above 15' vertical height in 2" pipe. Sewage Pumps WM266, WM264 and WM211 are designed for use in Qwik Jon units only. They are not designed for use in any other application.
3. Do not use wax seal having flange that extends into tank; it may cause clogging. If a floor is installed over the tank, use a Zoeller designed floor flange extender seal kit (Included).

4. For installation only see original instructions from Zoeller Factory.

P/N 010536

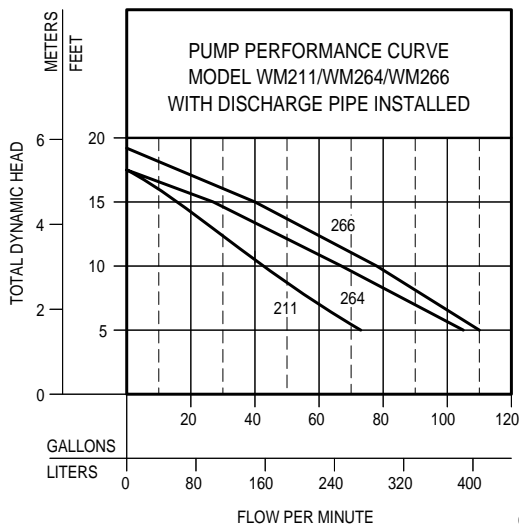
## Ten Helpful Hints For Easy Installation

1. Read all instructions before beginning installation.
2. Be sure the installation has a minimum of 5 feet vertical head.
3. Be sure the floor is level within 1/8" for the length and width of the tank.
4. Install 2" discharge pipe seal with flange side of seal on inside of lid. See Figure 7.2 on page 5.
5. Use soapy water to lubricate all seals to aid installation.
6. Install rubber coupling/union in vent line to aid disassembly. See Figure 7.4 on page 5.
7. Test unit before mounting toilet. Check On/Off levels per step 6 of instructions.
8. Do not over torque toilet mounting screws.
9. Do not use an automatic plumbing vent device.
10. Obtain model number and date code, and record information in the space provided on the front of this manual. Refer to this information when calling factory.

## Do's And Don't's For Installing A Unit

1. DO read all installation material with the pump and tank.
2. DO inspect unit for any visible damage caused by shipping. Contact dealer if unit appears to be damaged.
3. DO clean all debris from the tank.
4. DO always disconnect pump from power source before handling. DO always connect to a separately protected and properly grounded ground fault protected circuit. DO NOT ever cut, splice or damage power cord. DO NOT carry or lift pump by its power cord. DO NOT use an extension cord with a sewage pump.
5. DO install a check valve and a union in the discharge line. DO NOT use a discharge pipe smaller than the pump discharge size.
6. DO test pump immediately after installation to be sure that the system is working properly.
7. DO review all applicable local and national codes and verify that the installation conforms to each of them.

## Performance Characteristics



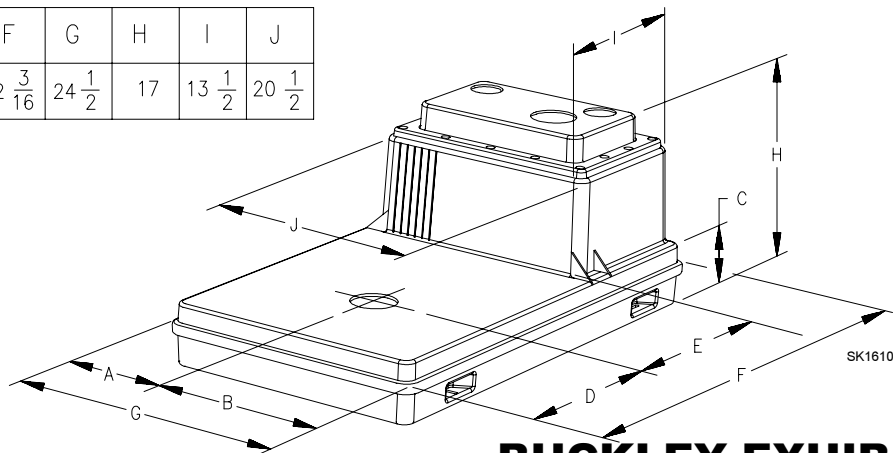
### TOTAL DYNAMIC HEAD/FLOW PER MINUTE SEWAGE AND DEWATERING

MODEL	WM211 MODEL 101		WM264 MODEL 100		WM266 MODEL 102			
	Feet	Meters	Gal.	Liters	Gal.	Liters	Gal.	Liters
5	1.5		73	276	105	397	110	416
10	3.1		39	148	67	254	78	295
15	4.6		19	72	27	102	40	151
Shut-off Head:			17.5 ft.(5.3m)		17.5 ft.(5.3m)		19.2 ft.(5.9m)	

## Dimensional Data

A	B	C	D	E	F	G	H	I	J
12 $\frac{1}{4}$	12 $\frac{1}{4}$	5 $\frac{1}{2}$	13 $\frac{1}{4}$	14 $\frac{1}{8}$	42 $\frac{3}{16}$	24 $\frac{1}{2}$	17	13 $\frac{1}{2}$	20 $\frac{1}{2}$

All dimensions are in inches.



**BUCKLEY EXHIBITS**  
Page 187 of 212

DIMENSIONS A,B,D,F,& G ARE FROM THE WE

## STEP 1

## Location Selection and Leveling of Tank

**NOTE:** If built in installation is to be used, locate pump chamber in an area that will allow access to the pump & switch.

- 1.1) Select a location which is readily accessible to the existing discharge and vent lines.
- 1.2) Level tank to within  $\frac{1}{8}$ " for length and width. Use hydraulic cement or similar material for leveling. Refer to Figure 1.1.

**CAUTION** Do not use wooden shims to level tank!

**CAUTION** Insure that nails, screws or other sharp objects do not puncture tank!

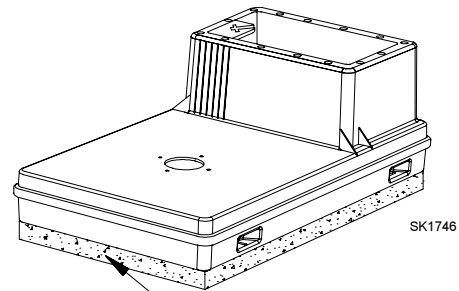


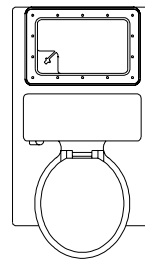
Figure 1.1

LEVEL WITH  
HYDRAULIC CEMENT  
OR  
SIMILAR MATERIAL

## STEP 2

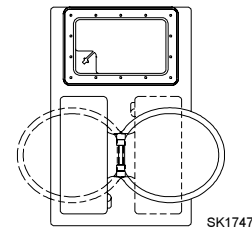
## Orientation of Toilet on Tank

- 2.1) Determine the orientation of Toilet on Tank. This determines the location of the long bolts in STEP 3 of the installation. Refer to Figure 2.1 or Figure 2.2.



FORWARD INSTALLATION  
Forward Installation  
Figure 2.1

OR



SIDE INSTALLATIONS  
Side Installation  
Figure 2.2

## STEP 3

## Installation of the Cast Iron Support

**NOTE:** If subflooring is being installed over the tank, use the  $\frac{1}{4}$ " - 20 X 3" long bolts supplied with the floor flange extender kit, otherwise use the  $\frac{1}{4}$ " - 20 X 2" long bolts. The longer bolts account for the thickness of the subflooring when mounting toilet.

- 3.1) Drill the 4 preselected holes, located around the toilet opening, with a  $\frac{9}{32}$ " drill bit.
- 3.2) Modify the 4 foam gaskets, supplied with the wax ring kit, as shown in Detail "A".
- 3.3) Install the cast iron plate inside the tank through the pump chamber with the flat side up. Rotate the plate to rest on tank supports. Make certain that the 2" or 3" long toilet mounting bolts are in the correct locations to accept the toilet as determined in STEP 2.

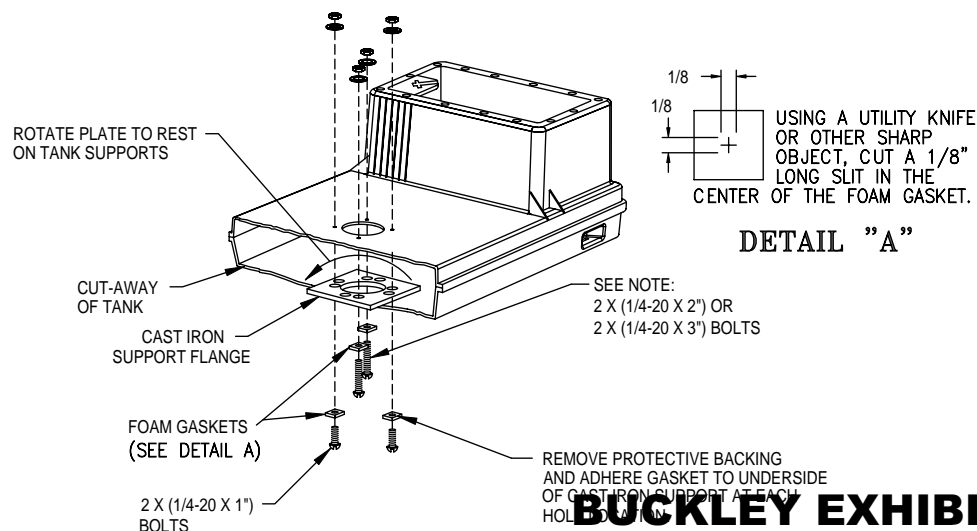


Figure 3.1

**BUCKLEY EXHIBITS**  
Page 188 of 212

## STEP 4

## Assembly of the Float Switch

4.1) Assemble float switch components as shown in Figure 4.1 & 4.2.

**NOTE:** If adjustment is necessary, move the float stops up or down along the float rod. Make sure that the float is "pinned" between the upper and lower stop after adjustment.

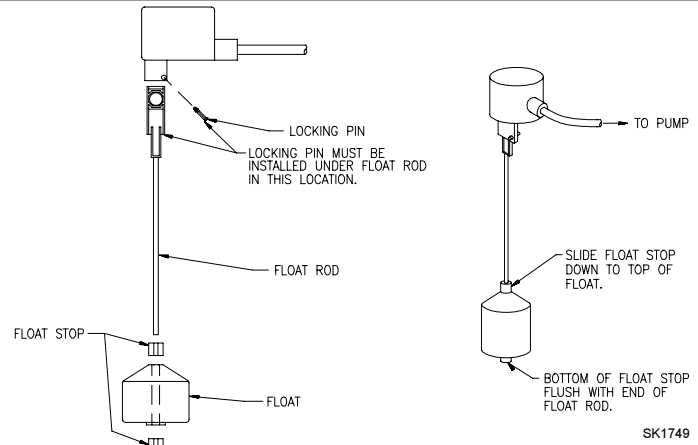


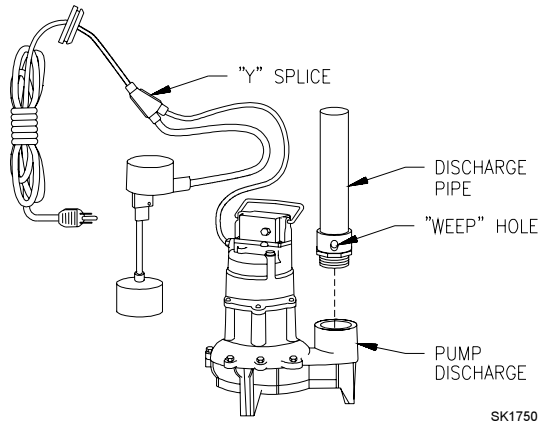
Figure 4.1

Figure 4.2

## STEP 5

## Installation of Pump & Float Switch Assembly into Tank

- 5.1) Install the discharge pipe onto the pump as shown in Figure 5.1.
- 5.2) Place the pump into the tank as shown in Figure 5.2.
- 5.3) Mount the float switch as shown on Detail "A".



Model 100 Pump Shown  
Figure 5.1

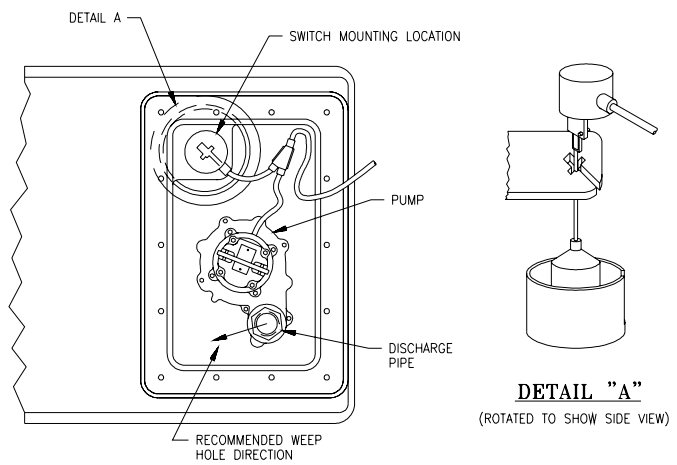


Figure 5.2

**Note:** Float switch will be "loose" until lid is installed.  
**Note:** Model 102 does not have a "Y" splice.

## STEP 6

## Testing Of Pump Operation

- NOTE:** Measure water level at float switch.
- 6.1) With the lid removed, temporarily connect the pump discharge pipe to the house drain pipe.
  - 6.2) Plug in pump.
  - 6.3) Fill the tank with 4" of water as shown in Figure 6.1. The pump should not turn "ON"!
  - 6.4) Fill the tank with an additional 1/2" of water. The pump should turn "ON" before the water level reaches 4 1/2". Refer to the Troubleshooting Guide, on page 11, for problem diagnosis.
  - 6.5) Unplug pump and disconnect discharge piping and continue to Step 7.

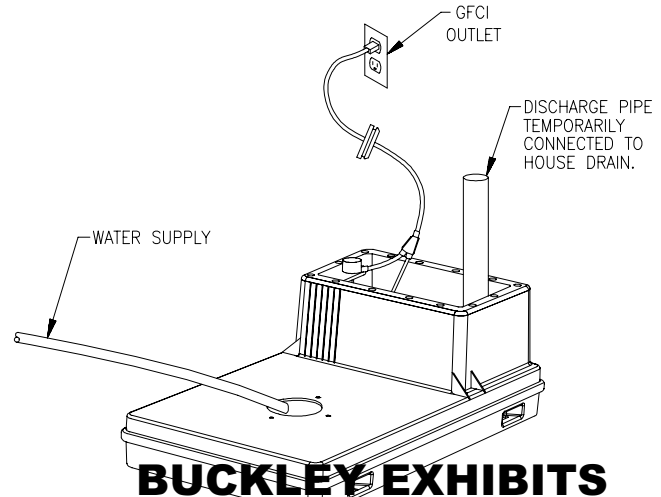


Figure 6.1

# STEP 7

# Installation of Lid and Associated Plumbing

- 7.1) Apply foam gasket material to flange of pump chamber, leaving an overlap of gasket material as shown in Figure 7.1.
- 7.2) Install the Lid components as shown in Figure 7.2.
- 7.3) Install the Lid onto the pump chamber as shown in Figure 7.3.
- 7.4) Complete installation as shown in Figure 7.4.

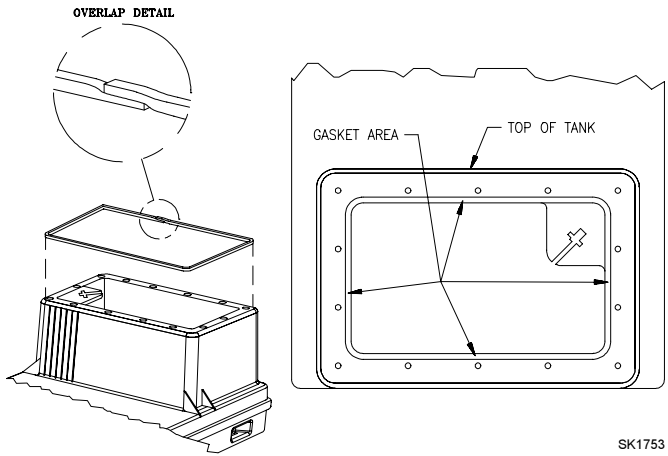


Figure 7.1

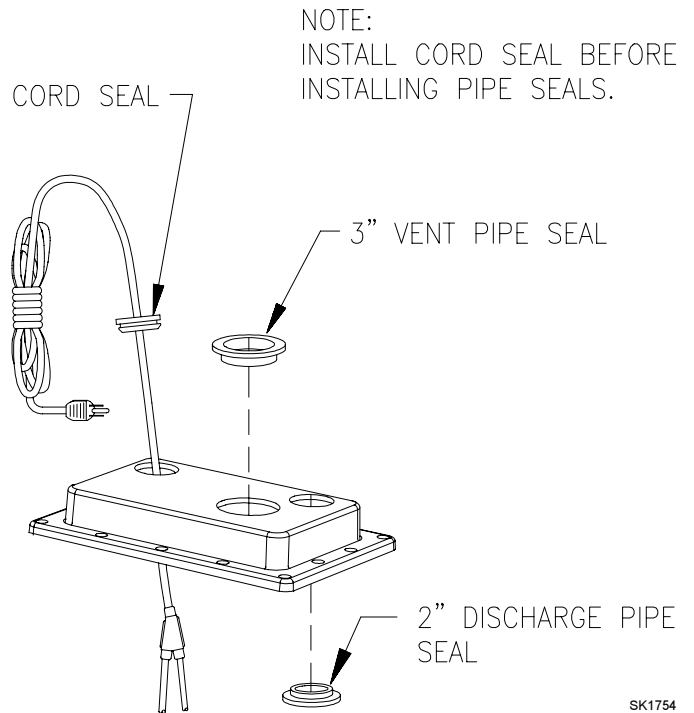


Figure 7.2

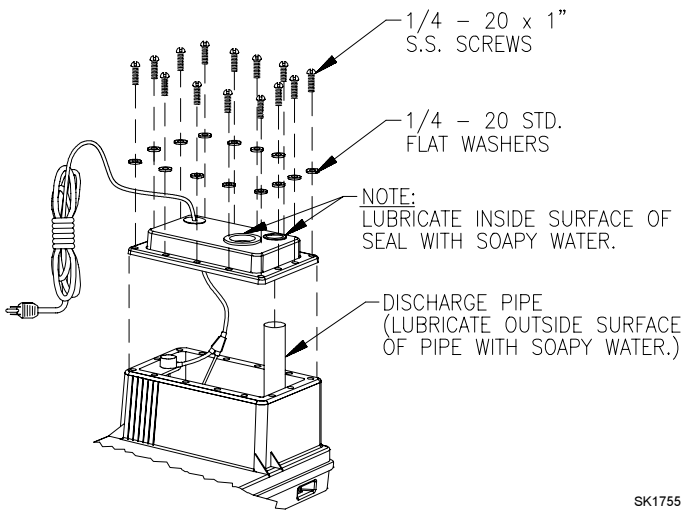
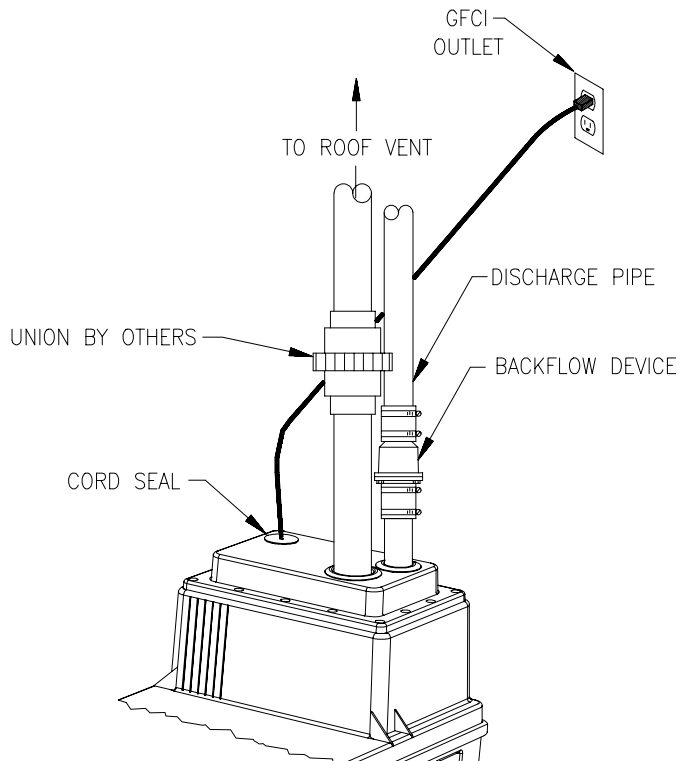


Figure 7.3



**BUCKLEY EXHIBITS**  
**Page 190 of 212**

## STEP 8

## Installation of Toilet

**NOTE: Only use the Wax Seal provided with the Floor Flange Extender Kit.**

### 8.1) Free standing Installation (No subflooring)

- 1) Only 1 wax toilet bowl gasket required.
- 2) Install wax toilet bowl gasket, and toilet as described on the back of the gasket carton.
- 3) Hook up water line to toilet, fill tank, and test unit.

### 8.2) Installation of Toilet with ½" or ¾" (Use Floor Flange Extender Kit) Subflooring

- 1) Both wax toilet bowl gaskets are required.
- 2) Cut a 6½" diameter hole in the subfloor centered on the tank opening.
- 3) Firmly press one of the wax toilet bowl gaskets into the plastic locator ring.
- 4) Place plastic locator ring on tank and firmly press into place until wax has completely filled the ring. This can be checked through the 4 air holes on the locator ring.
- 5) To complete installation, refer to the back of the toilet gasket carton for directions.
- 6) Hook up water line to toilet, fill tank, and test unit.

## STEP 9

## Installation of Additional Fixtures

9.1) In order to add fixtures, a 3" diameter hole must be drilled into the side of the pump chamber using the spotting template located on page 11.

9.2) Figure 9.1 shows the location on the pump chamber which can be used for adding additional fixtures.

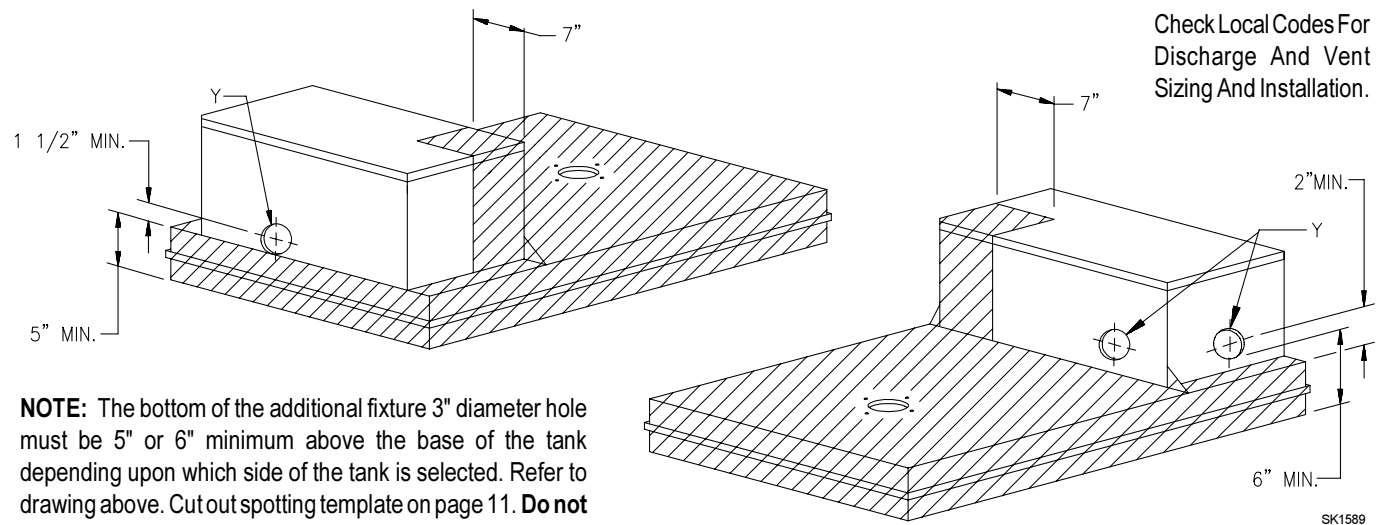
**▲ CAUTION** Do not plumb into the vertical ribs located on the front left corner of the pump chamber.

9.3) Affix the spotting template on the desired location and center the punch hole center. Use a 3" diameter hole saw to drill through pump chamber.

9.4) Insert a 2" rubber pipe seal (included) into the 3" hole and lubricate the inside diameter with soapy water to allow for ease of pipe insertion.

9.5) Insert pipe through seal approximately ¾" into tank.

9.6) Refer to Figures 9.2 - 9.5 for Typical installation of Tubs & Lavatories.



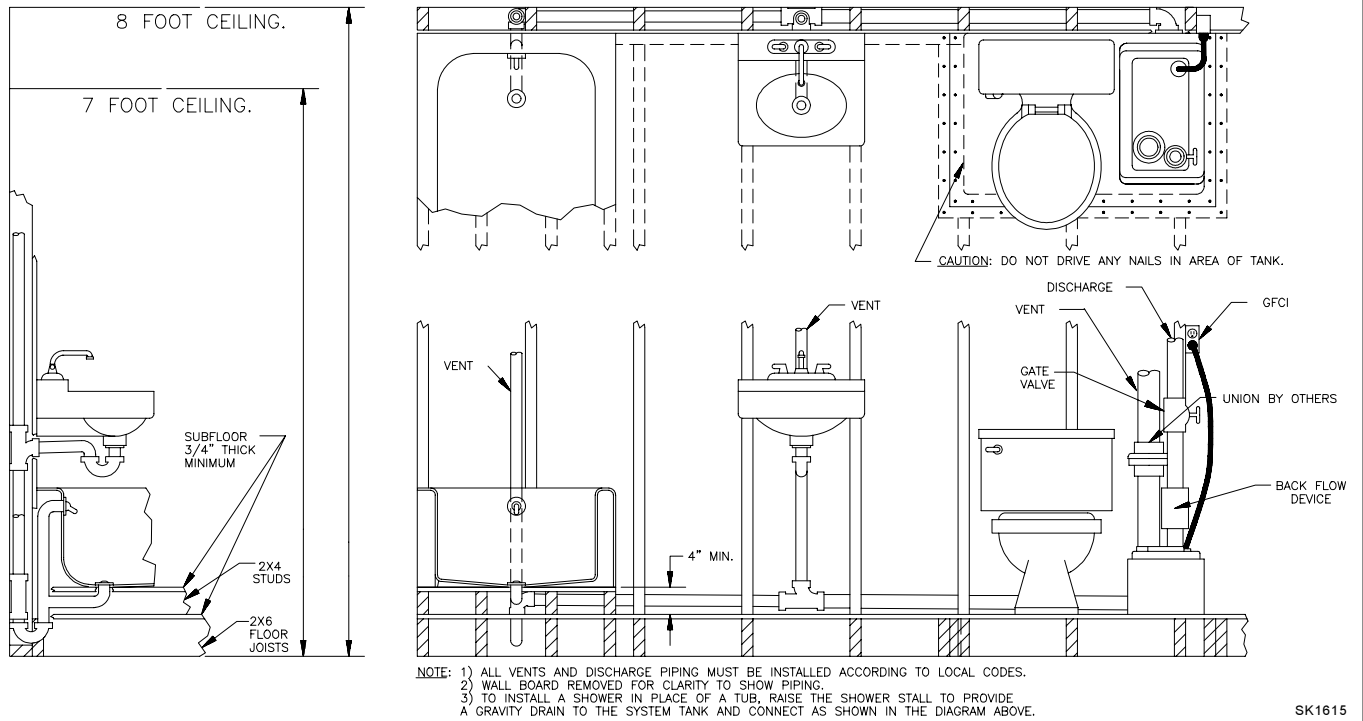
**NOTE:** The bottom of the additional fixture 3" diameter hole must be 5" or 6" minimum above the base of the tank depending upon which side of the tank is selected. Refer to drawing above. Cut out spotting template on page 11. Do not plumb into "crosshatched" area.

Figure 9.1

**BUCKLEY EXHIBITS**  
**Page 191 of 212**

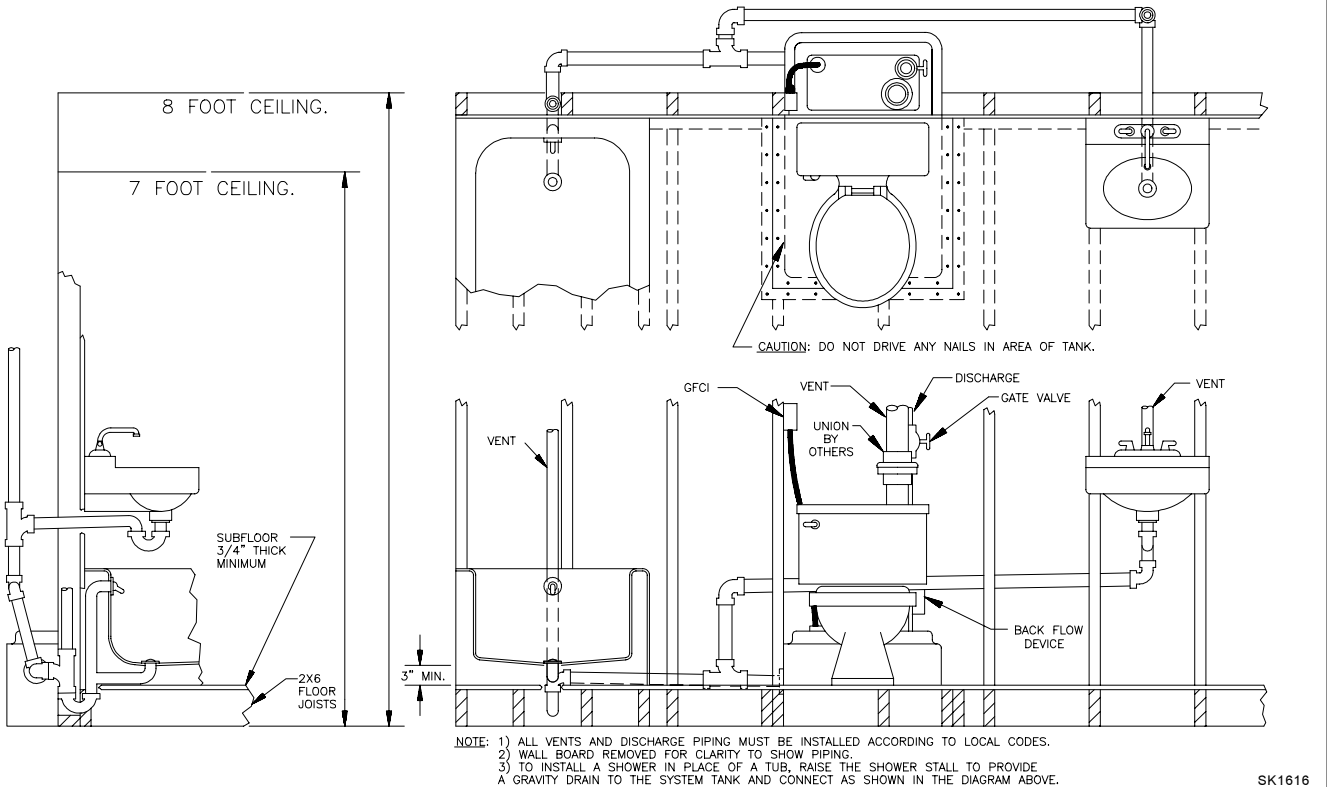


**TYPICAL INSTALLATION WITH RAISED TUB, LAVATORY, VENT & DISCHARGE**



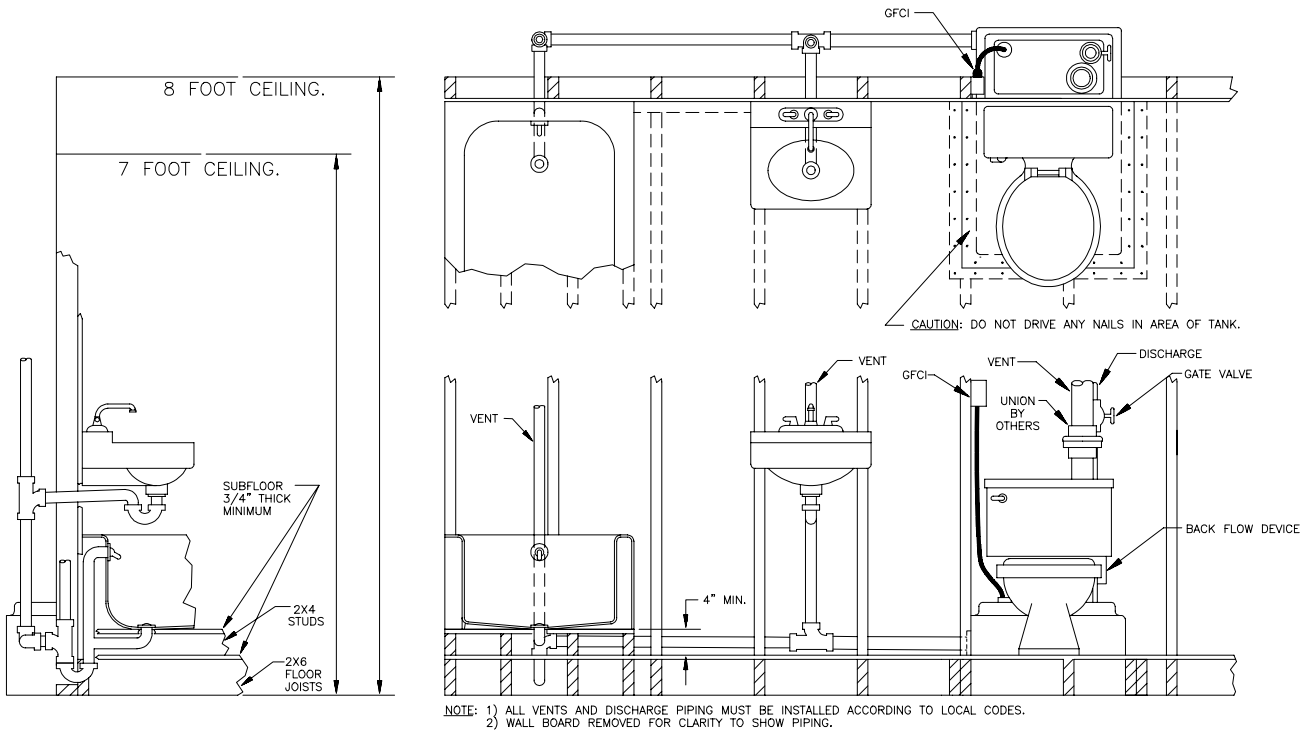
**Figure 9.2**

**ALTERNATE INSTALLATION WITH SPECIAL FLOOR MOUNTED RAISED BOTTOM TUB, LAVATORY, VENT & DISCHARGE**



**Figure 9.3**

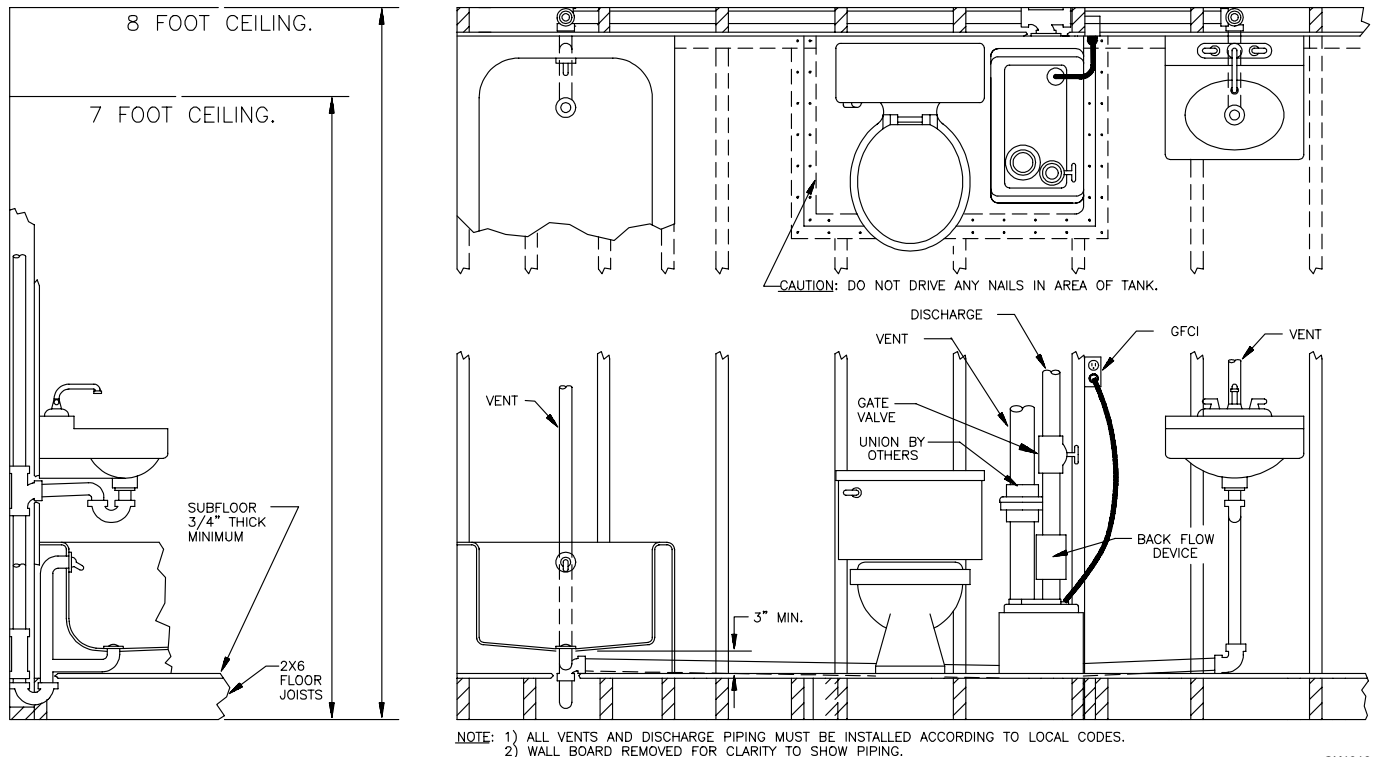
**ALTERNATE INSTALLATION WITH RAISED TUB, LAVATORY, VENT & DISCHARGE**



SK1617

**Figure 9.4**

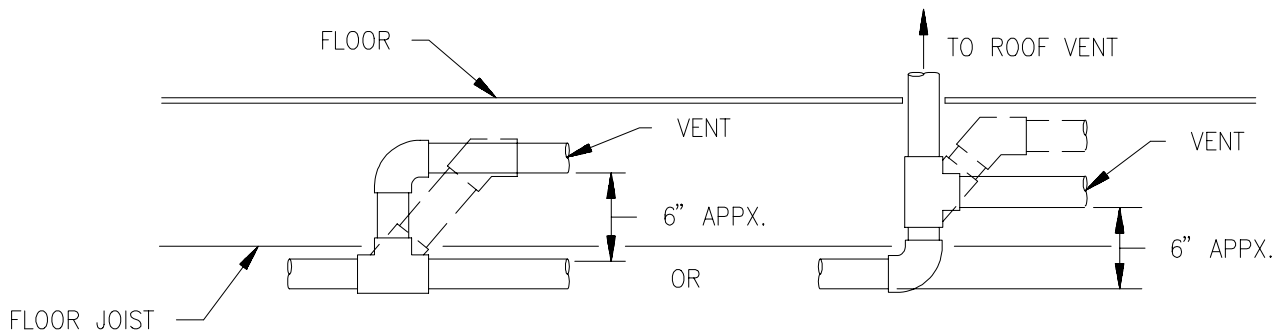
**ALTERNATE INSTALLATION WITH SPECIAL FLOOR MOUNTED RAISED BOTTOM TUB, LAVATORY, VENT & DISCHARGE**



SK1618

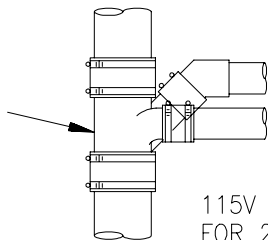
**Figure 9.5**

# Typical Piping Configurations



NOTE: ALL VENTS AND DISCHARGE PIPING MUST BE INSTALLED ACCORDING TO LOCAL CODES. 5' VERTICAL ELEVATION REQUIRED ON DISCHARGE PIPE.

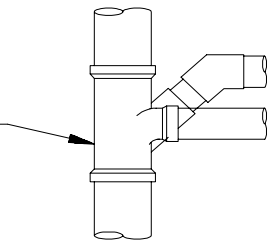
3" (4") x2" Y OR TEE CAST IRON W/NO HUB CONNECTORS



DISCHARGE

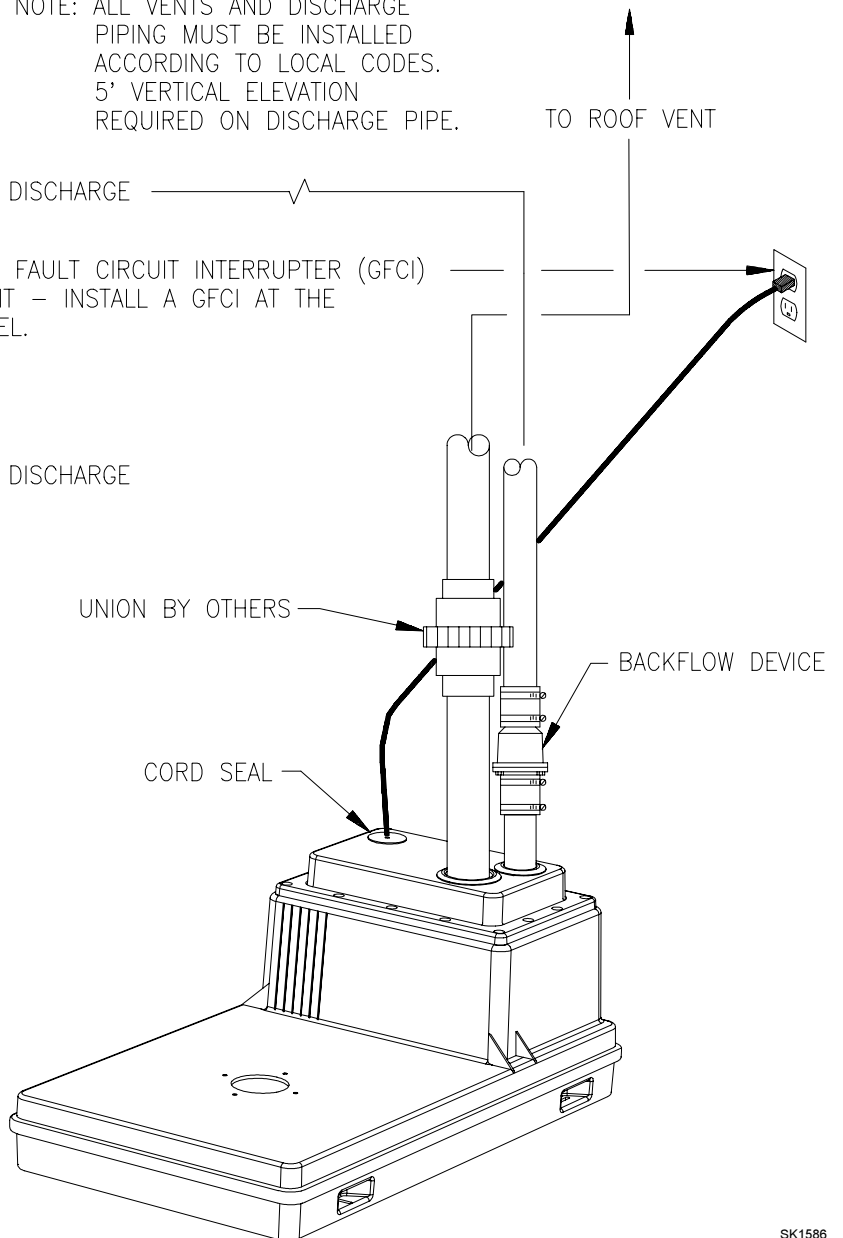
115V GROUND FAULT CIRCUIT INTERRUPTER (GFCI) FOR 230V UNIT - INSTALL A GFCI AT THE CONTROL PANEL.

3" (4") x2" Y OR TEE WELDED IN PLASTIC.



DISCHARGE

DISCHARGE TO 3" OR LARGER SEWAGE DRAIN LINE. USE SANITARY TEE OR Y WITH NO HUB CONNECTOR OR WELD IN A TEE OR Y IN PLASTIC PIPE.



**NOTE: All installations must comply with all applicable Electrical and Plumbing Codes, including, but not limited, to National Electrical Code: Local: Regional and/or State Plumbing Codes, etc.**

SK1586

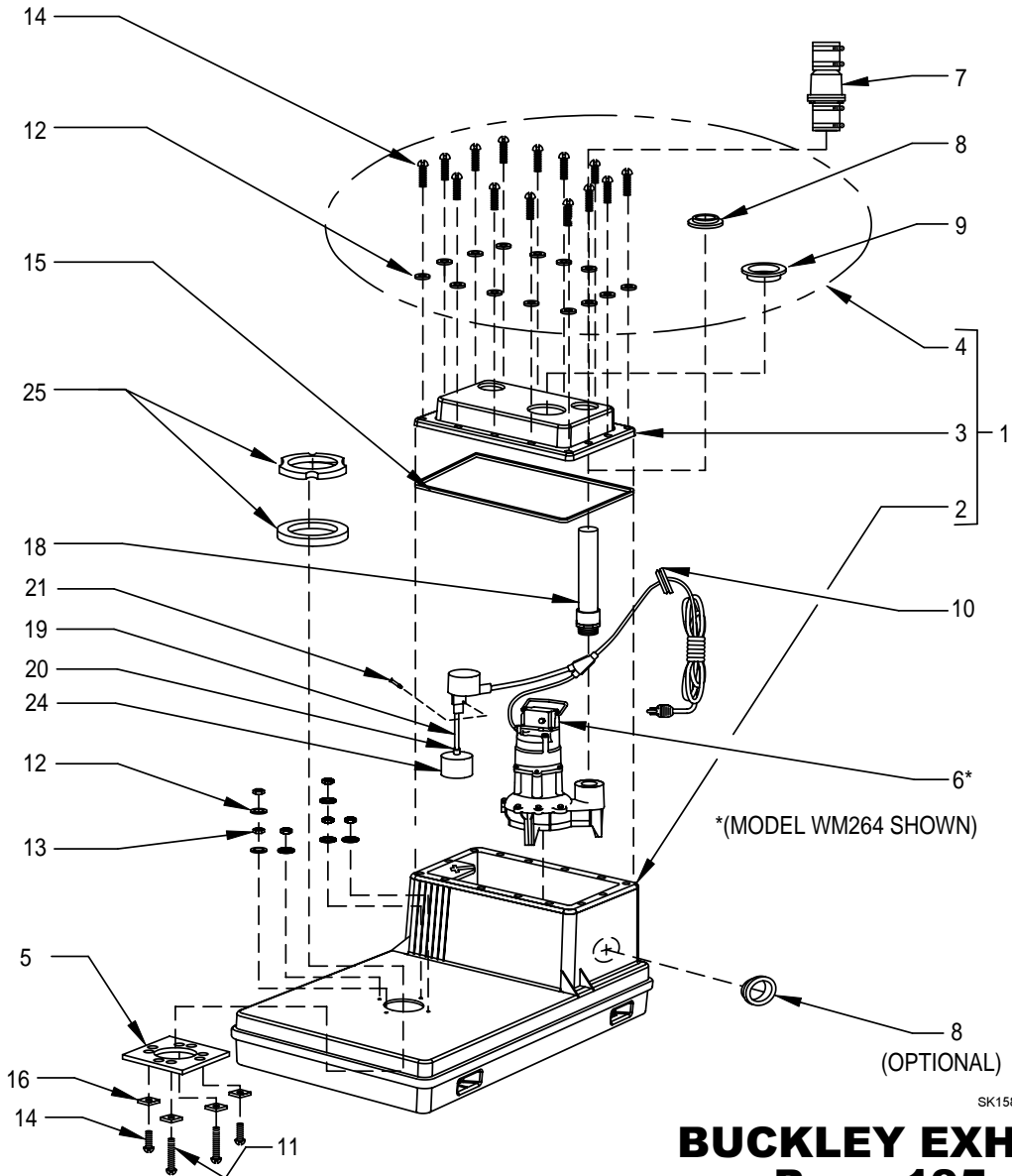
**BUCKLEY EXHIBITS**  
**Page 194 of 212**

# Replacement Parts List For Models 100, 101 & 102

REF. NO.	DESCRIPTION	QTY	NOTES	MODELS:		
				100-D	101-A	102-E
				10/97 to Present	07/01 to Present	10/97 to Present
1	Tank & Lid Assembly	1		010658	010658	010658
2	Tank	1		011022	011022	011022
*3	Lid	1		011023	011023	011023
4	Hardware Pack	1		010497	010497	010497
5	Toilet Flange	1		005521	005521	005521
6	Pump 115V	1		014954	014821	014955
7	Back Flow Device	1		006817	006817	006817
27	Switch Hardware Pack	1		010532	010532	010532
18	Discharge Pipe	1		008515	008515	008515
22	Float Mounting Bracket	1		NA	NA	NA
25	Kit, Wax Ring Seal	1		008634	008634	008634
26	Grommet Guide	1		NA	NA	NA

HARDWARE PACK P/N 010497 (MODELS 100-D, 101-A & 102-E)			
ITEM	P/N	DESCRIPTION	QTY
8	005588	Seal, Discharge 2"	2
9	005587	Seal, Vent 3"	1
11	004529	Screw, .25-20 X 2"	2
12	004480	Washer, SS-.25" Standard Flat	20
13	001812	Nut, .25-20H-SS	6
14	004531	Screw, .25-20 X 1" LGRHMSS	16
15	010524	Seal Foam - Closed Cell	1
SWITCH HARDWARE PACK P/N 010532			
19	010499	Float Rod	1
20	009120	Float Rod Stops	2
21	009121	Float Rod Pin	1
24	009119	Float Bulb	1

Note: Components are shipped each.



## Trouble Shooting Guide

Condition	Possible Cause	Remedy
A. PUMP WILL NOT START OR RUN.	Low voltage, blown fuse open circuit.	Have a qualified electrician check fuse and circuit.
	Impeller bound.	Contact a Zoeller Service Station.
	Motor or wiring shorted.	
B. PUMP STARTS TOO SOON.	Float "ON" point is adjusted too low.	Raise the float stops, make sure the float is between the two stops. Refer to STEPS 4, 5, & 6
C. WATER LEVEL EXCEEDS 4½" BEFORE PUMP TURNS ON.	Float "ON" point adjusted to high.	Refer to STEPS 4, 5, & 6 for proper installation.
D. PUMP WILL NOT SHUT OFF.	Debris under float.	Remove debris from around float.
	Faulty float switch.	Contact a Zoeller Service Station.
	Float "Off" point adjusted too low.	Adjust "Off" point. Refer to STEPS 4, 5, & 6
E. PUMP OPERATES BUT DELIVERS LITTLE OR NO WATER.	Debris around intake.	Clean area around intake.
	Blockage in discharge pipe.	Remove pipe and flush out debris.
	Low or incorrect voltage.	Have a qualified electrician check house wiring.
	Damaged Impeller.	Contact a Zoeller Service Station.
	Incorrect float adjustment	Refer to STEPS 4, 5, & 6 for proper installation.
	Pump is air locked.	Make sure vent hole on discharge pipe is clear.
	Vertical lift too high.	Change discharge piping or contact tech. service.
F. PUMP RUNS TOO LONG BEFORE WATER IS PUMPED.	Pump is air locked.	Make sure vent hole on discharge pipe is clear.
	Water level too low.	Clear debris from around baffle. Improperly adjusted float refer to STEPS 4, 5, & 6.



**▲ WARNING** Before servicing a pump, always shut off the main power breaker and then unplug the pump - making sure you are not standing in water and are wearing insulated protective sole shoes. Under flooded conditions, contact your local electric company or a qualified licensed electrician for disconnecting electrical service prior to pump removal.

**▲ WARNING** Submersible pumps contain oil which become pressured and hot under operating conditions -allow 2½ hours after disconnecting before attempting service.

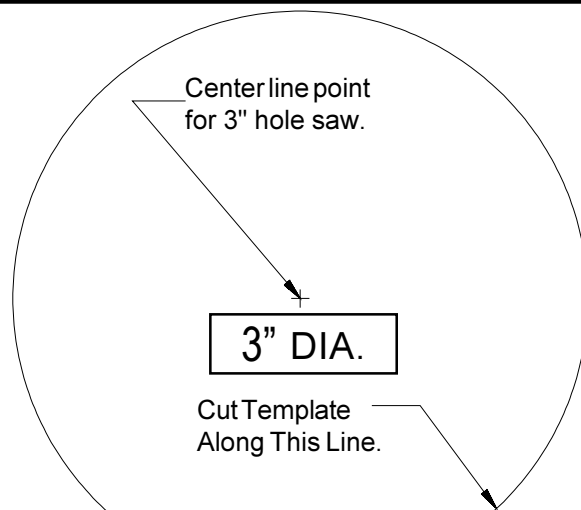
If the above checklist does not solve the problem, consult Zoeller Technical Service Department 1-(800) 928-PUMP - **Do not** attempt to service or otherwise disassemble pump.

**▲ CAUTION** Do not dispose of feminine sanitary products, disposable diapers, dish rags, etc. in the QWIK JON. They may jam the pump or other plumbing lines and cause malfunction.

**CARE OF FINISH** Soap and water is all that is recommended for cleaning the outside of the tank. Other cleaning products may cause discoloration and scratching.

## Spotting Template

Pipe installed in this 2" seal must be supported vertically.  
Hole must be round. Use 3" hole saw.  
Hole sizes greater than 3.040" can create leaks.



**BUCKLEY EXHIBITS**  
**Page 196 of 212**

SK1279

## Limited Warranty

Zoeller Pump Company warrants, to the purchaser and subsequent owner during the warranty period, every new Zoeller Pump Company product to be free from defects in material and workmanship under normal use and service, when properly installed, used and maintained, for a period of one year from date of installation or 18 months from date of manufacturer, whichever comes first. Parts that fail, (within one year of installation or 18 months from date of manufacturer, whichever comes first) that inspections determine to be defective in material or workmanship, will be repaired, replaced or remanufactured at Zoeller Pump Company's\* option, provided however, that by so doing we will not be obligated to replace an entire assembly, the entire mechanism or the complete unit. No allowance will be made for shipping charges, damages, labor or other charges that may occur due to product failure, repair or replacement.

This warranty does not apply to any material that has been disassembled without prior approval of Zoeller Pump Company, subjected to misuse, misapplication, neglect, alteration, accident or act of God; that has not been installed, operated or maintained in accordance with Zoeller Pump Company installation instructions; that has been exposed to but not limited to the following: sand, gravel, cement, mud, tar, hydrocarbons or hydrocarbon derivatives (oil, gasoline, solvents, etc), wash towels or feminine sanitary products, etc. or other abrasive or corrosive substances. This warranty is in lieu of all other warranties expressed or implied; and we do not authorize any representative or other person to assume for us any other liability in connection with our products.

Contact Zoeller Pump Company, 3649 Cane Run Road, Louisville, Kentucky 40211-1961, Attention: Customer Service Department to obtain any needed repair or replacement of part(s) or additional information pertaining to our warranty.

ZOELLER PUMP COMPANY EXPRESSLY DISCLAIMS LIABILITY FOR SPECIAL, CONSEQUENTIAL OR INCIDENTAL DAMAGES OR BREACH OF EXPRESSED OR IMPLIED WARRANTY; AND ANY IMPLIED WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE AND OF MERCHANTABILITY SHALL BE LIMITED TO THE DURATION OF THE EXPRESSED WARRANTY.

Some states do not allow limitations on the duration of an implied warranty, so the above limitation may not apply to you. Some states do not allow the exclusion or limitation of incidental or consequential damages, so the above limitation or exclusion may not apply to you.

This warranty gives you specific legal rights and you may also have other rights which vary from state to state.

\*Procedure For Warranty Claims:

Zoeller Pump Company will repair or replace, (with proof of purchase) within the above warranty limitations, the pump unit and the tank unit. The pump should be shipped prepaid to the nearest repair station or factory. Any claims pertaining to tank unit should be directed to the factory.



<http://www.zoeller.com>

**ZOELLER**  
PUMP CO.

MAIL TO: P.O. BOX 16347  
Louisville, KY 40256-0347  
SHIP TO: 3649 Cane Run Road  
Louisville, KY 40211-1961  
(502) 778-2731 • 1 (800) 928-PUMP  
FAX (502) 774-3624

Manufacturers of . . .

**BUCKLEY EXHIBITS**  
Page 197 of 212

date of pipe manufacture, May 28,  
1999



photograph of pipe at packaged sewage ejector in  
basement

photograph courtesy of Patrick Rafferty,  
July 27, 2010

# **Marlin E. Buckley**

*Curriculum Vitae*



# Marlin E. Buckley, P.C.®

## Building Experts

### Marlin E. Buckley

Managing Principal

#### ***SKILLS AND RESPONSIBILITIES***

Marlin E. Buckley brings to the Firm over 34 years of experience in the construction industry. He began his career with *hands-on, trade level experience* in electrical, carpentry, and plumbing work. After retiring the tools, Mr. Buckley moved into managerial positions with a number of prominent Philadelphia firms, before entering into his private consulting practice.

As the managing principal of the Firm, Mr. Buckley is responsible for overseeing the work of the other senior level technical staff, and reviewing all final work product before it is delivered to Clients.

#### ***EDUCATION***

**Penn State University**, engineering classes

**Community College of Philadelphia**, various classes in accounting, economics, statistics, mathematics, and technical writing

**Technical Educational Services, LLC**, continuing education classes in electrical engineering and the National Electrical Code®, required for maintenance of New Jersey, Delaware, and Philadelphia electrical licensing

**OSHA 10 Hour Course** (safety on construction sites)

**Master Plumbers Educational Service of New Jersey**, continuing education classes in plumbing and the New Jersey Plumbing Code, required for maintenance of New Jersey plumbing licensing

**Tyco/Simplex Grinnell**, Fire Protection and Life Safety Symposium

**National Fire Protection Association (NFPA)®**, continuing education classes in fire sprinkler and fire alarm systems

**Worthington Construction Company**, carpentry apprenticeship program

**Drexel University**, Master's in Business Administration (MBA) classes

**Philadelphia College of Bible**, (presently Philadelphia Biblical University), Bachelor of Science Degree

### ***PROFESSIONAL LICENSES***

- Registered Master Plumber
- Registered Master Electrician (or Licensed Electrical Contractor, by jurisdiction)
- Fire Sprinkler

Licenses are held in the City of Philadelphia, States of New Jersey and Delaware, City of Wilmington, and other jurisdictions. Registration postings are available at [www.buckleypc.com](http://www.buckleypc.com), and may be confirmed at the various governmental licensing board web sites.

In addition to the above trade licenses, Mr. Buckley is a **journeyman carpenter**, having specialized in millwork and finish carpentry.

### ***EMPLOYMENT HISTORY***

#### **Private Practice**

Currently providing technical support services to clients in the following specialties:

- cost estimating & bidding
- owner's rep construction management
- forensic analysis
- expert witness
- project management

- CPM scheduling

**Domus, Inc.**, Philadelphia

**Chief Estimator:**

- estimated both public works and private projects
- scheduled work using cpm scheduling
- reviewed requisitions,
- assisted with punch list follow-up and project closeout
- provided general administration of the Estimating Department
- recruited, hired, and supervised estimating staff
- developed and implemented Estimating Department policy and procedures
- estimated projects as directed by the Sales and Marketing Department
- provided sales and marketing support services at contract negotiation meetings
- estimated large and complex change order requests for the project managers
- transferred information to Project Management for newly awarded projects
- maintained master database of subcontractors and vendors

**Campenella Construction, Inc.**, Philadelphia

**Chief Estimator:**

- estimated a wide variety of projects, both hard-bid estimating, as well as conceptual estimating (projects were both private and public)
- performed CPM scheduling for both estimating as well as for project management
- reviewed pay requisitions
- punch list follow-up and project closeout.
- provided general administration of the Estimating Department
- supervised estimating staff
- developed and implemented Estimating Department policy and procedures
- estimated projects as directed by the Sales and Marketing Department
- provided sales and marketing support services at contract negotiation meetings
- estimated large and complex change order requests for the project managers

**Spring Garden College**, Philadelphia

**Part-Time Faculty:**

- Methods and Materials I
- Methods and Materials II
- Computerized CPM Scheduling (Primavera)

**Gardner/Fox Associates, Inc.**, Bryn Mawr, PA

**Chief Estimator:**

- re-organized estimating department
- developed and implemented new policies and procedures
- supervised 3 other estimators,
- designed and implemented new subcontractor and vendor database system
- estimated general construction (both conceptual and hard-bid) projects
- provided technical assistance to the Architectural Department

**Building Repair Service, Inc.**, Philadelphia

**General Manager:**

- responsible for the day to day operations of the firm
- estimating
- project management
- business development
- field crew supervision

**Barclay-White, Incorporated** (now Skanska USA), Blue Bell, PA

**Senior Estimator:**

- estimated schematic stage designs, and hard bids for a diverse mix of projects which included pharmaceutical research laboratories, pharmaceutical process facilities, hospital operating rooms and intensive care areas, as well as various commercial structures
- prepared and made presentations to project owners and executives

**Haverstick-Borthwick Company, Inc.**, Plymouth Meeting, PA

### **Senior Project Manager and Senior Estimator:**

- estimated and managed projects which included various large scale housing, certified historical restoration, pharmaceutical, research laboratory, hospital, institutional, and other commercial projects
- projects involved both renovations and new construction
- estimated both conceptual, as well as hard-bid projects
- presented proposals to project owners and executives

### ***PUBLICATIONS***

*Audio & Video Conferencing: A Technology Whose Time Has Come*, Construction Today, Winter, 2002, page 40.

### ***PROFESSIONAL MEMBERSHIPS, Present and Past***

American Society of Professional Estimators, Philadelphia Chapter #61  
American Society of Plumbing Engineers, Philadelphia Chapter  
American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE)  
National Fire Protection Association (NFPA)  
Institute of Electrical & Electronic Engineers (IEEE)  
Construction Arbitration Panel, American Arbitration Association (inactive)  
General Building Contractor's Association (GBCA)  
Associated General Contractors of America (AGC)  
Construction Financial Management Association (CFMA)  
International Code Council (ICC)  
Building Owners' and Managers Association (BOMA)

### ***PERSONAL AFFILIATIONS AND MEMBERSHIPS:***

National Rifle Association of America  
National Skeet Shooting Association  
Delaware County Field & Stream Association

072809b

## Testimony and Expert Work

Marlin E. Buckley

# Marlin E. Buckley, P.C.®

## Building Experts

360 East Elm Street  
Conshohocken, PA 19428  
(888) 419-7770 x1  
(866) 899-7387 fax

Marlin E. Buckley  
Managing Principal  
marlin@buckleypc.com  
www.buckleypc.com

---

### Testimony and Expert Work Marlin E. Buckley August 4, 2010

*The following cases are cited in accordance with Federal Rules of Civil Procedure 26 (a) (2) (B):*

In May, 2007, I was engaged to provide expert services in a private mediation case being held before the Honorable L. Anthony Gibson, JSC (ret'd), Linwood, NJ. The caption of the case is CCC Atlantic, LLC vs. Intech Construction, Inc. I had been engaged to support counsel for the plaintiff, Walter T. Wolf, Esquire, Walter T. Wolf, LLC, Audubon, NJ.

The plaintiff hired the defendant to renovate a large office building in Linwood, NJ. The claim involved multiple construction defect issues, and was approximately \$5 million.

Some of the highlights of my work in this case are as follows:

- Expert report (initial), dated November 16, 2007
- Supplements to the expert report, dated June 4, 2008 and July 9, 2008
- Expert report to critique defendant's expert report, dated June 25, 2008
- Deposition on July 3, 2008
- Testimony at trial on July 9 & 10, 2008

Judge Gibson ruled in favor of my client.

In July, 2008, I was engaged by Defense Counsel, Attorney James N. Gross, Philadelphia, to assist with his client's counter claim. Two real estate investors jointly owned 2 properties in North Philadelphia, and wished to dissolve the partnership. Plaintiff sued to obtain clear title to both properties. Defendant counter sued to receive compensation for renovation work he performed at the properties. The case was filed in the Court of Common Pleas of Philadelphia County, August Term, 2007, No. 003040. The parties were Elinor Lee vs. Wai Keung Ng.

I submitted an expert report on August 4, 2008, in which I stated the fair market value of defendant's construction work.

Counsel mutually agreed to reduce the claims to under \$50,000, thus qualifying the case for Philadelphia Common Pleas arbitration. I testified at trial on January 22, 2009.

The arbitration tribunal ruled in favor of my client, and awarded a good monetary judgment.

On June 15, 2004, I prepared an expert report to support defense counsel in an American Arbitration Association action, case No. 14 M 110 01337 02. David Garcia, Esquire, Garcia and Associates, Philadelphia, was retaining counsel. The caption in the case was World Asian Investment Group, LP vs. Hoon Ho Oh Builders and Contractors, Inc., and involved breach of contract and wrongful termination. The defendant was in the early stages of constructing a new office building when the plaintiff fenced in the job site and locked him out.

My expert report involved estimating the value of work already performed by the defendant in support of his counter suit. The case settled pre-trial in favor of the defendant.

On June 2, 2009, I was deposed as a fact witness in a case originating in 2001, affiliated with alleged collateral damages to a large apartment building caused by the collapse of the World Trade Center towers. Suit was filed by plaintiff's counsel in the United States District Court for the Southern District of New York, ECF CASE, Case No. CV-04-5201, before the Honorable Loretta A. Preska. The parties to the action are Parks Real Estate Purchasing Group, et. al., vs. St Paul Fire and Marine Insurance Company. I supported defense counsel, attorney Brian J. Gerling, of the firm Hunton & Williams, McLean, VA.

On October 31, 2008, I submitted an expert report in support of plaintiff's counsel in a construction accident and personal injury case. The plaintiff, an ironworker, fell some 12 feet from a roof and suffered permanent injury to his legs and feet. The case was filed in the United States District Court for the District of New Jersey, and the caption is Brian P. Jones vs. Dandrea Construction Co., and Greyhawk North America, LLC, et. al., Civil Action No. 07CV1884. Retaining counselors are Jeffrey A. Krawitz, Esquire, of Silverman Burns Kasmien & Krawitz, Two Penn Center Plaza, Suite 910, Philadelphia, and Arthur M. Krawitz, Esquire, of Doroshow Pasquale Krawitz & Bhaya, 1202 Kirkwood Highway, Wilmington, DE.

Retaining counsel reported the case settled before the trial, which had been listed for the week of February 1, 2010.



On October 16, 2008, I submitted an expert report in support of plaintiff's counsel in a personal property damage case. A prominent artist was in process of transferring his personal artwork collection into a newly constructed studio when the roof leaked, causing permanent damage to a significant portion of his work. The case was filed in the Court of Common Pleas of Delaware County. The caption in the case was Charles Stegeman and Marie-Therese Zenner, h/w vs. The Trustees of Haverford College, et. al., No. 06-6867. Retaining counsel was Michael Lastowski, Esquire, of Duane Morris, LLP, 1100 Market Street, Suite 1200, Wilmington, DE.

The case settled pre-trial in favor of the plaintiff, and a monetary payment was made by the defendants.

On a cold Winter afternoon a retired Philadelphia first grade teacher returned home to discover that a water pipe had frozen and burst, flooding her basement family room. She hired a clean-up contractor to repair the damage. When the contractor failed to follow established industry guidelines for water damage clean-up a toxic mold infestation erupted in her house, forcing the elderly lady to vacate the premises.

Upon contacting me, I provided technical assistance to identify the locations of the mold infestations and hired a qualified remediation contractor to clean the building. Efforts to obtain cooperation from the original clean-up contractor failed. Legal counsel was retained, and suit was filed to recover the damages. I wrote an expert report for counsel.

The caption in this case is Dorothy Pesa vs. ServiceMaster Clean, et. al., Court of Common Pleas of Philadelphia County, May Term 2008, No. 2537. Counsel is David Garcia-Villarreal, Esquire, of Garcia & Associates, LLC, Philadelphia. This case settled in Spring, 2010.

On July 6, 2009, I submitted an expert report in defense of a mechanical contractor who had installed a mop receptor in an office building. An employee on the floor below was hit on the head by a ceiling tile when water saturated it. This employee (the plaintiff) was suing for personal injuries. The case was listed for the November, 2009, trial pool in the Court of Common Pleas of Philadelphia County, and was continued into the December trial pool. The case number is October Term, 2007, No. 002393. Retaining counsel was Jay Branderbit, Esquire, of the firm Kent & McBride, P.C., Philadelphia.

Retaining counsel reported that jury selection had concluded on December 18, 2010, shortly after which the parties came to a settlement agreement.

On October 5, 2009, I submitted an expert report in the defense of a mechanical contractor who had installed an air conditioning cooling tower on the rooftop of a university library building as part of a major renovation project. The plaintiff, a maintenance employee of the university, fell

while descending the ladder of the cooling tower. Plaintiff was seeking a multi-million dollar claim against the mechanical contractor for alleged construction deficiencies.

The case was listed for trial in January, 2010, and jury selection concluded on January 29, 2010. Retaining counsel reported that opening arguments had commenced when the case settled on February 2, 2010.

The caption in the case is Robert Harvey, et. al., vs. West Chester Mechanical Contractors, Inc., et. al., Court of Common Pleas of Philadelphia County, June Term, 2008, No. 000549. Retaining counsel was Marc B. Zingarini, Esquire, of the law firm of Weber Gallagher Stapleton Fires & Newby, LLC, Philadelphia.

On April 20, 2010, I submitted an expert report in defense of a large Philadelphia area office management firm. The plaintiff, an occupant of one of the offices, claimed that when she flushed the water closet (toilet) in the ladies room it exploded, hurling her into the toilet compartment door, causing personal injury.

The caption in the case is Nikita Fulton vs. Becker Ventures, LLC, et. al., Court of Common Pleas of Philadelphia County, September Term, 2009, No. 2325. Retaining counsel was Greg A. Ray, Esquire, of the firm Comeau & Bunker, Philadelphia.

Retaining counsel reported this case settled shortly after my expert was issues.

I was engaged by defense counsel for a large Philadelphia construction management firm in a large insurance subrogation case. The construction management firm was hired by a developer to build a project consisting of luxury condominiums and renovations to a historic Philadelphia restaurant. Due to funding difficulties and cost overruns not all condominium units were completed. A number of the condominium units were finished to only a *white box* level.

Subsequent to completion by the construction manager, the developer hired a general contractor to complete interiors of a number of the units.

On a particularly cold February day a fire sprinkler pipe, located inside an exterior wall, froze and burst, causing substantial damage to the condominium and the restaurant below. It is believed that the general contractor tampered with the fire sprinkler pipe which had been originally installed by the defendant. In addition to property damages there was a business interruption claim. Plaintiff in this case was the insurance carrier for the restaurant, and was seeking to recover losses paid on the claims.

The caption in the case is Depositor's Insurance Company vs. The Henderson Corporation, et., al., United States District Court for the Eastern District of Pennsylvania, Docket No. 08-787

(S.S.D.C.E.D.Pa). Retaining counsel was Richard E. Stabinski, Esquire, of the firm Weber Gallagher Simpson Stapleton Fires & Newby, LLP, Philadelphia.

The case settled in the Spring of 2010, a couple of weeks before my expert report was completed.

I have never been disqualified as an expert under the Daubert standards, the Frye standard, or under any other standards.

In addition to the above cited reports, depositions, and trials, I have prepared many expert reports over the past dozen years which have aided retaining counsel in pre-trial settlements.

Marlin E. Buckley



City of Philadelphia  
 Department of  
 Licenses & Inspections  
 P.O. Box 53310  
 Philadelphia, Pa. 19105

**OCCUPATIONAL  
 LICENSEE ONLY**

PASTE YOUR  
 PHOTOGRAPH HERE

1 1/2" SQUARE

DISPLAY PROMINENTLY

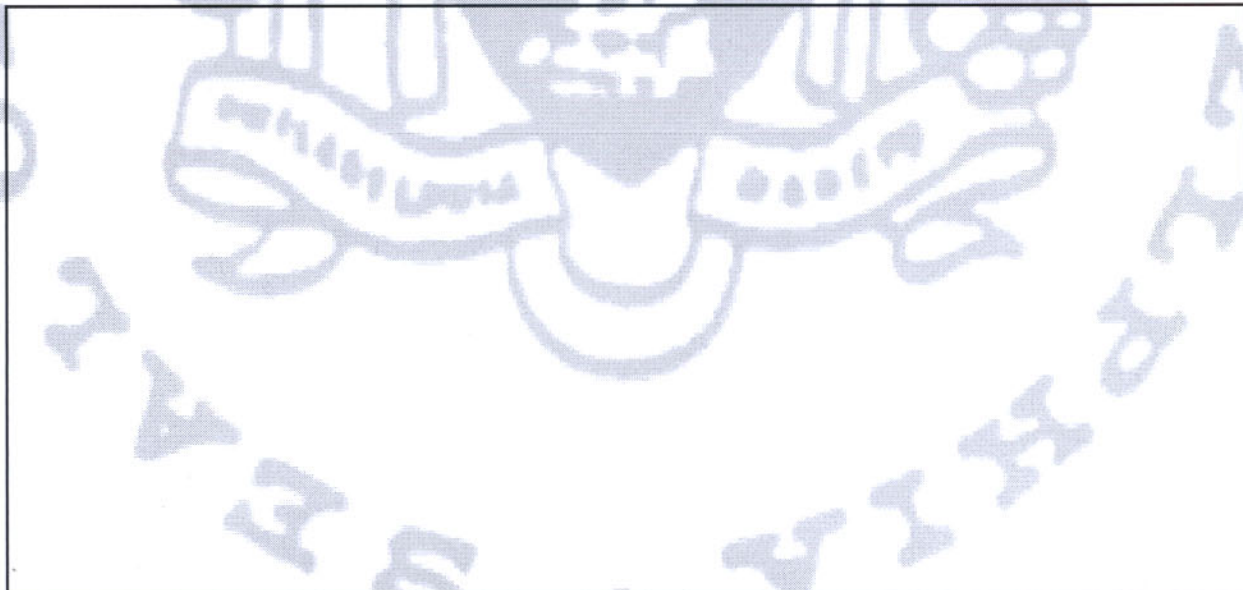
if required by law

BUCKLEY MARLIN  
 360 ELM ST  
 CONSHOHOCKEN PA 19428-0000

3514 MASTER PLUMBER  
 BUCKLEY MARLIN

THIS LICENSE IS GRANTED TO THE PERSON AND LOCATION FOR THE PURPOSE STATED ABOVE.  
 IT IS SUBJECT TO IMMEDIATE CANCELLATION BY THIS DEPARTMENT FOR VIOLATIONS OF  
 CITY ORDINANCES AND REGULATIONS. INQUIRIES 311 (215-686-8686).

LICENSE CODE	LICENSE NO.	BUSINESS PRIVILEGE NO.	EXPIRES LAST DAY OF	PAID THIS AMOUNT	ON DATE
3514	13214	17143	12/2010	200.00	02/19/10



**LICENSE**

**BUCKLEY EXHIBITS**



City of Philadelphia  
Department of  
Licenses & Inspections  
P.O. Box 53310  
Philadelphia, Pa. 19105

**OCCUPATIONAL  
LICENSEE ONLY**

PASTE YOUR  
PHOTOGRAPH HERE

1 1/2" SQUARE

DISPLAY PROMINENTLY

if required by law

BUCKLEY MARLIN  
360 EAST ELM ST  
CONSHOHOCKEN PA 19428-0000

3516 ELECTRICAL CONTRACTOR  
BUCKLEY MARLIN

THIS LICENSE IS GRANTED TO THE PERSON AND LOCATION FOR THE PURPOSE STATED ABOVE.  
IT IS SUBJECT TO IMMEDIATE CANCELLATION BY THIS DEPARTMENT FOR VIOLATIONS OF  
CITY ORDINANCES AND REGULATIONS. INQUIRIES 311 (215-686-8686).

LICENSE CODE	LICENSE NO.	BUSINESS PRIVILEGE NO.	EXPIRES LAST DAY OF	PAID THIS AMOUNT	ON DATE
3516	15303	17143	6/2011	150.00	07/09/10

