

STATE OF SOUTH CAROLINA

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IN THE COURT OF APPEALS

AUG 10 2015

APPEAL FROM SPARTANBURG COUNTY CIRCUIT COURT

SC Court of Appeals

THE HONORABLE J. DERHAM COLE

TRIAL COURT CASE NO. 2009-CP-42-00781

APPELLATE CASE NO. 2013-002439

Ray Long and Mary Long.....Appellants

vs.

Tuck and Howell, Inc.....Respondent

RECORDS ON APPEAL NOVEMBER 1, 2013

Ray and Mary Long
131 Taylor Road
Greer, SC 29651
(864)877-7039
Appellants

Mr. James P. Walsh, Esquire
P.O. Box 6728
Greenville, SC 29606
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Attorney for the Respondent

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Proof of Service By Mail

The undersigned certifies that a true copy of the "Records on Appeal" was mailed this 7th day of August, 2015, postage prepaid to:

James P. Walsh, Esquire
P. O. Box 6728
Greenville, SC 29606



Ray Long, Appellant



Mrs. Mary Long, Appellant

131 Taylor Road
Greer, SC 29651
Phone (864) 877-7039

11-01-2013

Jenny Abbott Kitchings, clerk
The South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Ray Long & Mary Long vs.
Tuck & Howell, Inc.
Appellate Case No. 2013-002439

Dear Ms. Kitchings:

We respectfully ask the Court of Appeals to be allowed to file an appeal for a new trial. There was a lot of legal misrepresentation and malpractice at our trial in The Court of Common Pleas in Spartanburg, SC on September 16, 17, & 18, of 2013. We did not have a fair trial and therefore, did not get a fair verdict.

My husband and I are both having severe health problems and are trying to take care of these legal problems at the same time. My husband, Ray, has had to go to the hospital with heart problems since we were at our trial.

Due to having a lot of health problems, I can only do a little at a time. I am sending a little of the information concerning some of what occurred at the trial. There are a lot of people involved in our case and lawsuit. It is a very complicated lawsuit and no one can understand what has transpired without all of this information and many records being sent. I am condensing it as much as I can. There is a lot more information that I will be sending at a later date.

We respectfully ask the court to please allow us time to get this information and records together to be submitted to the court.

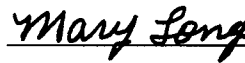
Due to the fact that we do not have an attorney presently, we are trying to take care of getting the information to you ourselves.

We appreciate anything that you can do to help us.

Respectfully,



Ray Long



Mary Long

cc: Mr. James P. Walsh, Esquire
P. O. Box 6728
Greenville, SC 29606

Witnesses

Our rights have been violated by the legal system for eight years.

There has been legal malpractice and negligent misrepresentation involved in our case from the beginning. We did NOT get a fair trial.

Mr. Bannister did not get our case and evidence to the court and jury. He presented very little of our case and our evidence to the court and jury.

It seemed like he was doing everything he could do to protect Tuck and Howell.

Witnesses – Mr. Bannister waited until the last couple of days before we were to go to trial to get the subpoenas to our witnesses. He only got the subpoenas delivered to three witnesses and one of them had been in an accident and was unable to come to court. Therefore he only got two of our witnesses to court for trial.

He did not get the subpoenas delivered to these witnesses and therefore did not get them to court for our trial.

Mr. Bannister did not get the subpoenas to James Kellett, Robert Beasley, and Nicholas Maxwell.

Witness – James Kellett – He is the man who did the testing in front of the heat register and the test results came back showing mold spores coming from the heat register. Mr. Kellett called and told us that he would like to come back and do the testing again with the air running. We did not have the air or the heat on when the first testing was done. He came back out and did the testing with the air running. The test results doubled with the air running.

Witness – Robert Beasley – Mr. Beasley came out with Mr. Kellett to do the second testing.

Witness – Nicholas Maxwell – He and Eric Burton, the technician from General Heating and Air, are the ones who found all the problems with the installation of the heat pump system and duct work that Tuck and Howell installed at our home. They found several things wrong with the installation that Tuck and Howell did at our home. They are the ones that found the condensate pump wired to the light switch under our home. When the light switch was turned off, the condensate pump was turned off also. Therefore, the pump never worked for over a year unless someone went under the home and turned the switch back on.

This is what caused all the water to back up into the air handler and the plenum. This caused bacteria, mold, and caused the metals to oxidize off the coils, stinky sock syndrome odors, and

the metallic odors. It caused the coils and the pipes to rust. There is a hole the size of a silver dollar or larger that has rusted through the pipe on the coils. We have very good pictures off all of this. There are three different colors of powder dust that oxidized off these coils. There is a silver/white powder dust, bluish gray powder dust, and a very black powder dust.

We don't understand why Mr. Bannister did not get these subpoenas to these witnesses and get them to court to testify. We also don't understand why Mr. Bannister did not show the court and jury the pictures of these coils with all these toxins on them and let them see what we breathed 24 hours a day for over a year.

Due to the fact our lawsuit has been dragging out for 8 years, two of our witnesses are deceased.

Mr. Bannister was also supposed to call witnesses from Mr. Walsh's witness list.

He was supposed to call these men to testify.

- Jerry Tuck
- Glenn Bell
- Steamatic of Greenville

Witness – **Jerry Tuck** – He is one of the owners of Tuck and Howell, which is the company who destroyed our health, our home, and just about everything we owned.

Witness – **Glenn Bell** – He was the product service manager for General Wholesale Distributions. He was also the Trane Company's service tech representative for the state of South Carolina.

Witness – **Steamatic of Greenville** – This is the company Jerry Tuck had come out to our home and try to vacuum the aluminum oxide powder dust out of the heat pump system and duct work. They are also the ones that found water, extracted the water out of the system, found mold, and did a microban treatment without our knowledge while we were in our home breathing all of this. At this time, we had not found out about the water and mold in the heat pump system and duct work. They did not tell us about the water and mold in the system. They were trying to hide this from us. Tuck and Howell and their employees had to have already found the water and mold before Steamatic came out to our home and treated it.

Mr. Bannister was supposed to put all these men on the stand.

Witness – Our daughter and son-in-law were in court with us. They were supposed to be witnesses for us. Mr. Bannister did not even put our family on the stand for us.

Witness – Jerry Tuck was the number one witness we wanted to be called to the stand to testify.

Witness – Glenn Bell was the number two witness we wanted to be called to the stand to testify.

We would never have expected Mr. Bannister to do this to us. We would have never expected that he would not call Jerry Tuck and Glenn Bell to testify.

My daughter and I were pulling my records from my file on the evidence and making notes to Mr. Bannister throughout the trial. When we would get a break or a break for lunch, we would give him the notes on the evidence and ask him to please get this evidence to the court and the jurors. He did not do this and he left out very good evidence.

It seemed like Mr. Bannister did not know what was going on with our case and our evidence.

The legal system has been dragging our case out for 8 years. Our witnesses can't remember details of what happened 8 years ago.

We continued to tell Mr. Bannister over and over again that this was hurting us by him dragging our case out year after year.

We begged him to please get our case to trial because our witnesses would not be able to remember details of what happened at our home. He did not pay us a bit of attention.

This is exactly what happened. These people can't remember details of what happened at our home 8 years ago.

We believe this is exactly why Mr. Bannister and Walsh Law Firm have been dragging our case out for years. They wanted our witnesses to forget details of what happened at our home 8 years ago.

Medical Records and Health Problems

Walsh Law Firm went back 33 years reviewing our medical records.

They were giving the jury medical records from 1982 and making it sound like the allergy problems have been going on all these years. **This was 31 years ago.** They were making it look like these problems were occurring right before we had the new HVAC system and duct work put in. This is not true.

Walsh Law Firm has all of our records for 33 years. They only brought up health problems from many years ago.

They would not mention to the jury about all the many severe health problems we are having since being exposed to all the poisons. They did not want the jury to know this. They know about all the severe health problems we are having from breathing all these poisons.

I can't understand why Walsh Law Firm would not mention these health problems we are having from breathing all these poisons.

I don't understand why Mr. Bannister did not tell the jury what these poisons have done to our health.

Mr. Bannister had the evidence from the lab work, x-rays, urine tests, and the doctor's reports on what they found from the test results that they ran on us. He had these records and he never pulled one medical record out of his file to show the jury any of the severe health problems we are having from all of these poisons.

I don't think the attorneys even mentioned Ray at our trial. I was very upset but I can't remember Mr. Bannister or Jim Walsh mentioning Ray.

Mr. Bannister did not get any of this evidence to the court or the jury.

Heat Pump System

Tuck and Howell brought a new heat pump system to court and sat it in from of the jury. Scott Cooper stood beside the heat pump system and explained how the system worked.

This heat pump system did not look like the Trane Heat Pump system that was in our home that had all the different colors of metals that oxidized off the coils.

This heat pump system that Tuck and Howell brought to court may have been a Carrier Heat Pump System. They advertise in the yellow pages of the phone book and they sell both Carrier and Trane Heat Pump Systems.

First Coils – When Scott Cooper finished explaining how the new heat pump system is supposed to work, it would have been the perfect time for Mr. Bannister to present our evidence to the jury on how the Trane Heat Pump really worked.

First Coils – He did not tell the court and jury what happened with the coils that were in the Trane Heat Pump system that Tuck and Howell installed under our home.

First Coils – He did not tell them that Tuck and Howell wired the condensate pump to the light switch under our home. Therefore, when the light switch was turned off, the condensate

pump was off also. This caused the water to back up into the air handler and run into the plenum. This water was backing up for over a year. The condensate pump never worked for over a year.

First Coils – This caused bacteria, mold, stinky sock syndrome odors (which is caused by bacteria), and metallic odors from the metals burning off (oxidizing) the coils. It caused the coils and pipes to rust. There is a hole the size of a silver dollar or longer that has rusted through the pipe on the coils.

First Coils – There are three different colors of powder dust that oxidized off these coils. There is a silver/white powder dust, a bluish/gray powder dust, and a very black powder dust.

We have very good pictures of all this. We don't understand why Mr. Bannister did not show this to the court and jury.

Replacement Coils – They took these coils out and installed replacement coils without first searching until they found and fixed the problem of where the water was coming from. The water continued to back up on the replacement coils also. **They had not fixed the problem.**

Replacement Coils – This is when they made the hole in the replacement coils while they were installing them. This started refrigerant leaks. We had to call them out three different times in a three month period for the refrigerant leaking out and burning off the coils.

Replacement Coils – We now had refrigerant leaking out onto the coils and the water was still backing up onto these coils. All the other toxins from the first coils that oxidized were now on the replacement coils. All of the toxins were mixed together and burning on the replacement coils. This was putting off a very toxic odor. All of the toxins are now on the replacement coils.

Mr. Bannister did not present any of this evidence to the court and jury. We don't understand why he would do this to us.

Licensing and Regulation Board in Columbia, S.C.

See the report from the Licensing and Regulation Contractors Licensing Board in Columbia, S.C. This is where Tuck and Howell got their license to be in business. We filed a complaint with them on May 19, 2008 against Tuck and Howell for the negligence on installing a new heat pump system and all new duct work at home.

The Contractor's Licensing Board found them guilty of wiring the condensate pump to the light switch under our home, which caused the heat pump to produce the white powder that was emitted throughout the home.

They also found them guilty in October of 2006. A permit was obtained for the mechanical construction work performed; however, the work was performed in 2004.

The Licensing Board sent Tuck and Howell a letter telling them that they had found them guilty. They issued disciplinary actions against Tuck and Howell. **Jerry Tuck signed the consent agreement on December 16, 2008 admitting the guilt.**

On **April 16, 2009**, Jerry Tuck and one of his attorneys went to the Licensing Board in Columbia and asked them to set aside the **December 16, 2008** consent agreement that he had signed.

The board denied their request to set aside the consent agreement.

Mr. Bannister did not present this evidence to the court and jury. We do not understand why this evidence was not presented.

Metal Powder Dust

Jim Walsh, one of Tuck and Howell's attorneys, was saying to the jury that metal powder dust is just a nuisance dust. He said it was like walking down a dirt road and stirring up a little dust.

Jerry Fartenberry said that no one has ever seen or heard of metal powder dust being in a home before.

He said that in an industrial setting they have to keep it wet down to keep from breathing it. He said that they have to wear protection to prevent themselves from being exposed to it. He also said that when someone tries to clean it up, they have to cover themselves from head to toe. They have to wear a moon suit and a respirator.

This is **NOT** just a nuisance dust.

We were breathing this metal powder dust for over a year, 24 hours a day. The fan on the heat pump was blowing this inside our home.

We have reports from the doctor showing us how harmful metals are.

Tuck and Howell did not buy a permit to do the job at our home until a year after the HVAC unit was installed. (We actually found this out ourselves and told them.)

The installers did not do an inspection of the job upon completion.

Tuck and Howell did not call Greenville County to send an inspector to inspect the job upon completion.

Jerry Tuck and Scott Cooper did not inspect their company's installation work on our home while they were searching for the answer to the problems we are having. *Why did these two men not inspect their own work? If they had inspected their own work, they would have found the cause of the many problems that they caused. They were looking our home over from one end of the home to the other end trying to find something wrong on our part that would have caused these problems. They went into the attic and under the home. They checked everything in our home and came back inside. Jerry Tuck told Ray and I that he did not see anything that could have caused the problems. * At this time no one knew about the many problems with the installation of the work they had done at our home. If they had continued trying to find out what was causing the problems, they would have found the things that were done wrong with their installation and been able to correct what was causing the problems before it continued to get worse. We continued to have the problems for four more months and finally had to call General Heating & Air out ourselves to find out why we were having these problems. They were the ones that found all of the things that were done wrong during the installation by Tuck & Howell.

10-17-2005; When we found the white powder coming from the heat registers, we called Tuck and Howell. They sent a man out to check it and see what it was. He did not know what the powder was but he did know what the musty odor was. He called it "Stinky sock syndrome". He went back to the office to get Scott Cooper. Scott Cooper came back with him and we told them both about the musty odor, chemical "metallic" odor and the dust flying in the air. Scott Cooper and the other man knew immediately what the musty odor was. They both said it is "Stinky sock syndrome". They both told us they had not seen the white powder before.

We tried to get Tuck and Howell to take the duct work out before they replaced the coils. They would not take the duct work out. They also did not vacuum the duct work until after the coils were replaced. Scott told us to put three or four layers of cheese cloth over the heat registers, turn the air on, and the air would blow the mess out of the duct work and the cheese cloth would catch it. "The mess" that he referred to is aluminum oxide and is heavy metal powder. We tried the cheese cloth method and it did not work; I made Scott aware of this. We did not know at this time that aluminum oxide is a heavy metal and is harmful. We found this out much later from our doctor. Tuck & Howell, their employees and Glen Bell (the Trane Company's service tech representative for the State of SC) all were telling us that aluminum oxide was not harmful.

Jerry Tuck sent J.P. McConnal, installer for Tuck and Howell, out to our home to brush the powder off the coils to get a sample for him to have tested. He also had J.P. to take out an eight foot piece of duct work to see how bad the dust was. The aluminum oxide powder was very heavy on the coils and in the piece of duct work he removed. He came to the door and told Ray and I to come out and see how heavy the powder was. This "dust powder" was heavy metal powder. We found this out much later from our doctor. I told J.P. that I was going to call someone out to vacuum the duct work and HVAC system to try to get the mess cleaned out. We did not know at this time that it was heavy metal and was dangerous. I asked J.P. who I should send the bill to at Tuck and Howell's company. J.P. called Jerry Tuck and told him what I was going to do. Jerry Tuck told J.P. to tell me that he has someone to do that type of work for him. He said he would call Steamatic Corporation of Greenville and have them come and vacuum the HVAC system and duct work. This did not work either. It looked like they never vacuumed the HVAC system and duct work. We knew that Steamatic did not get the mess out of the HVAC system and ductwork because the dust was still flying in the air and settling on the furniture just as bad as before they had tried to vacuum it out. We then called James Kellett, a Certified Indoor Environmentalist, to come out to do an air quality test in front of the heat register in the room directly above the HVAC unit. At this time, we only knew about the aluminum oxide. He called us back about a week later with the results of the

testing and told us that the lab had found mold spores in the air coming from the ductwork. The air was not on when he did the testing the first time. He suspected that the problems were coming from the HVAC system. He called and asked if I would turn the air on and let him come out and do a second test with the air running. Robert Beasley came out with him to do this second test. Mr. Kellett had called and asked Scott Cooper and Glen Bell both to meet him at our home and open up the unit so that the three of them together could try to find out what was causing the mold and the aluminum oxide. They would not come meet him there. They both said that they had already done all they were going to do regarding this. After finding out that Steamatic had extracted water from the system, found mold and did a mold treatment, we then understood why Scott Cooper and Glen Bell refused to come out and meet James Kellett at our home. It was because at that time they already knew about the mold and the problem with the extensive water in the system, but they had surely not mentioned any of this to us. The second test that James ran showed that the mold count in the same place he had taken it before was doubled with the air running. Both of these tests were taken AFTER the coils had been replaced, AFTER they had brushed the powder off of the coils for testing and AFTER Steamatic had tried to vacuum all of the mess from the HVAC system and the ductwork. We also had vacuumed and dusted everything in the house just before the second test was taken. You can imagine what the count would have been if the testing had been done before all of this cleaning had been done. I later called Tuck and Howell to get the results of them having the powder tested after they took out a piece of the ductwork and took samples of the powder by brushing it off of the coils but was told that it was actually never tested. It was actually months later that we found out that when Steamatic of Greenville had vacuumed the HVAC system and duct work that they also extracted water from the system, found mold, and did a mold treatment. Tuck and Howell paid for this to be done and were hiding this from us. We were exposed to this mold treatment without our knowledge while we were in our home breathing this. They also knew at this time that there was an excessive amount of water in the HVAC system, but made no effort to find out where the water was coming from. It was accumulating in there because Tuck and Howell's employees had wired the condensate pump to the light switch under our home. When the light switch was turned off, the condensate pump could not turn on and pump any condensation to the outside. This is why all of this water was in the system causing the aluminum oxide and the mold.

List of things we had done to update our home before Tuck and Howell damaged it

Our home is an older home but we have always taken care of our home. We lived in a very clean home. Even before we had updated our home it was clean. We had spent a lot of money updating our home in the past several years before Tuck and Howell damaged it and our health. We had done everything we could to make sure our home was as care-free and maintenance free as possible because we were preparing for retirement. We had spent a lot of money on updating our home. Our home looked like a new home. We had done the following:

- New roof with storm guard to prevent damage from ice storms.
 - Updated wiring
 - installed hardwood floors throughout
 - remodeled kitchen with more storage
 - all new appliances except oven and cook top -We were waiting on a new model that was coming out soon
 - new doorknobs throughout the home
 - all new heat registers throughout the home
 - we had the electrical power lines coming into our home buried underground to prevent problems with ice storms
 - We had all new plumbing going from our home to the septic tank with clean our traps making this care free
 - new HVAC system and all new duct work
 - new paint outside and inside (professionally done)
 - custom wood blinds
- *We still had a couple of things to do and we would have had a new home.

Bedroom

New Craftique solid mahogany wood furniture, poster bed, 2 night stands, dresser, five drawer chest, 1 six drawer chest, mirror and antique mahogany chair with new upholstery

Living room

2 new Sherrill chairs and new Sherrill sofa

New flat screen television (purchased 6-19-04) (This was only four months before Tuck & Howell installed the HVAC system. This tv has a lot of vents on the top, back and sides. This tv is also sitting directly in front of one of the heat registers that was blowing these toxins everywhere 24 hours a day. The toxins are inside the new tv.

We were looking forward to our retirement years. We had just about finished updating our home. We had most of the expensive things behind us and only had a few things left that we were going to do. We had worked very hard on updating the home and also had spent a lot of money doing this. Then Tuck and Howell came in and destroyed everything we had done to our home and also destroyed our health.

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LIST OF TOXINS THAT TUCK & HOWELL, THE TRANE COMPANY AND STEAMATIC PUT INTO OUR HOME AND OUR BODIES

THEY PUT A LOT OF DIFFERENT TOXINS INTO OUR HOME

There are several different colors of metal powder dust that oxidized and burned off of these coils.

There is silver/white powder dust. This is the aluminum oxide powder (metal powder).

There is bluish gray powder dust.

There is a very black powder dust. We believe this may be the black coating that The Trane Company was experimenting with.

The coils and pipes had rusted from the water leaking on them for a year. There is a hole the size of a silver dollar that has rusted out on the coils.

You can see this on the pictures of the coils that were in our home.

There were a lot of different problems going on with these coils for a year.

THE TRANE COMPANY WAS EXPERIMENTING WITH ALL KINDS OF DIFFERENT COATINGS ON DIFFERENT COILS TO BE PUT IN DIFFERENT HEAT PUMP SYSTEMS.

We don't know which of these coatings that they were experimenting with was on the two different sets of coils that were installed at our home. Both of these coatings burned off of the coils and were put into our home and our bodies.

PLEASE SEE THE LIST OF DIFFERENT COATINGS THAT THE TRANE COMPANY WAS EXPERIMENTING WITH ON DIFFERENT COILS. (SEE PAGE 16 BEGINNING WITH LINE 25 AND CONTINUING ONTO PAGE 17 OF GLENN BELL'S DEPOSITION)

Also, see my quotes from Glen Bell's deposition concerning this. These notes will tell you where to find this information within his deposition.

Besides all of the different metal powders and rust, the following is also in our home and our bodies:

Bacteria

Mold

Mold treatment

Stinky sock syndrome odors

Metallic odor

Chemical odors

Refrigerant-The refrigerant leaked and burned off of the coils. The refrigerant leaks were caused because Tuck & Howell did not install the replacement coils correctly. They made holes in the coils during installation which allowed the refrigerant to leak out repeatedly. We had to call Tuck & Howell out three different times in a three month period because the refrigerant had leaked out and burned off the heating coils. This caused a very toxic odor.

ALL OF THE TOXINS LISTED ABOVE WERE STILL IN THE HEAT PUMP SYSTEM, DUCT WORK AND THROUGHOUT OUR HOME WHEN THEY INSTALLED THE NEW REPLACEMENT COILS.

ALSO, TUCK & HOWELL DID NOT SEARCH UNTIL THEY FOUND AND FIXED WHERE THE WATER WAS COMING FROM (THAT CAUSED THE OXIDATION TO BEGIN WITH) BEFORE INSTALLING THE REPLACEMENT COILS. THEREFORE, THE WATER CONTINUED TO BACK UP (AND CAUSE THE SAME PROBLEM) ON THE REPLACEMENT COILS FOR 3 ½ MORE MONTHS. TUCK & HOWELL'S EMPLOYEES WIRED THE CONDENSATE PUMP TO THE LIGHT SWITCH UNDER OUR HOME. WHEN THE LIGHT WAS TURNED OFF UNDER OUR HOME, THE CONDENSATE PUMP WAS TURNED OFF ALSO. THEREFORE, THE WATER WAS NOT PUMPED OUTSIDE OUR HOME. THE WATER WAS BACKING UP IN THE HEAT PUMP SYSTEM FOR OVER A YEAR. THIS IS WHAT CAUSED THE PROBLEMS THAT DESTROYED OUR HEALTH, OUR HOME AND MOST EVERYTHING THAT WE OWNED. THE HEAT PUMP SYSTEM IS UNDERNEATH OUR HOME IN A DRY PLACE AND WOULD NOT HAVE GOT WET IF THEY HAD INSTALLED THE CONDENSATE PUMP CORRECTLY.

The water backing up on the replacement coils and the refrigerant leaking onto the replacement coils was continuing to feed all of the toxins listed above and continuing to make the problem worse. All of the toxins, the water and the refrigerant were all burning on the replacement coils. All of this contaminated the replacement coils.

Our home is full of these poisons.

As fast as we were trying to clean these poisons from our home, they were putting more back in, over and over again. All of this was a losing battle for us. At the time when we were doing all of the cleaning, we had only found out about the aluminum oxide and the stinky sock syndrome. We were being told that the aluminum oxide was not harmful. We continued to find out a little at a time about all of the different poisons that are in our home.

The doctors are the ones that finally told us that the aluminum oxide is a heavy metal that is toxic. They told us that aluminum oxide is very harmful and for us to get out and stay away from our home.

Tuck and Howell, their employees, Steamatic of Greenville and Glenn Bell, the Trane Company's service tech representative for The State of SC all hid this from us.

They caused us more harm by not telling us.

Tuck & Howell also paid Steamatic of Greenville to do a microban treatment in the heat pump system and ductwork underneath our home. They did this treatment while we were inside our home breathing this. They did this treatment without our knowledge. We found this out much later. They were hiding this information from us.

This is a list of things we did showing how hard we tried to save our home

I made many, many phone calls to try to find someone that could help us get these toxins out of our home. We were trying to save our home, trying to regain our health and trying to save our lives all at the same time.

On 10/28/2005, I spoke with Nicole at Trane's Customer Relations office in Tyler, Texas concerning the problems we were having with the heat pump and aluminum oxide and the problems they had caused (at that time.) She asked me a lot of questions and told me that she would be filing a customer complaint on the problems. She said she would be calling me back. She gave me a claim number and told me if I needed to call her back to refer to the claim number. I never heard back from them. I called them back on 1/6/2006 and no one returned my call this time either.

The Trane Company turned our complaint over to Glen Bell (the Trane Company's service tech representative for the State of SC). Glen Bell told us that the Trane Company would furnish the coated coils to replace the uncoated coils that had oxidized and caused the aluminum oxide and that was all they were going to do.

All of the problems could have been avoided if Tuck & Howell's employees had installed everything correctly to begin with. Tuck and Howell said that their employees would install the replacement coils and this was all they were going to do. They said that these problems were the Trane Company's fault and it was their responsibility to take care of the damages. They said that the Trane Company manufactured the HVAC system with the uncoated coils that oxidized and caused the aluminum powder. Tuck and Howell wanted to put all of the blame on the Trane Company.

I called our insurance agent after not being able to get Tuck & Howell or Glen Bell with the Trane Company to take care of the damages to our home. This was our only hope we had left to try to get the toxins cleaned from our home. We did not want to file a claim with our insurance company because we knew that filing a claim would go against us. We decided to wait and to continue trying to get Tuck & Howell and Glen Bell with Trane Company to take care of the damages that they caused.

Scott Cooper continued saying that they were not responsible for the damages and that we should call Glen bell with the Trane Company because the damages were their responsibility. Glen Bell continued saying that they had replaced the coils and that was all they were going to do. After three months of going over and over this, begging them to take care of the problems they have caused and not getting anywhere with them, the only hope we had left was to try to get our insurance company to help us get these toxins out of our home. We called our insurance company back and went ahead and filed a claim. Our insurance company was our last hope and they would not help us either. They told us that since the problem was directly tied to Tuck Howell's faulty installation and not a naturally occurring accident, that our insurance would not cover that. We understand why they would not take care of the damages because it is Tuck & Howell and the Trane Company's responsibility.

I called Greenville DHEC...they would not help us.

I called Brian Rivers with Columbia DHEC...he would not help us.

I called Randy Cook with Environmental Control in Greenville several times...he could not help us.

I called Nancy with Environmental Health in Columbia several times...she could not help us.

I called Dr. Fitchett with Environmental Health in Columbia several times. She told me that she would call around and find out whom I would need to speak with at Consumer Affairs and she would get back with me. I never heard back from her. She had thought that Consumer Affairs might be able to help us.

We checked with many clean-up companies trying to get estimates for them to clean our home. We were trying to get someone who knew something about aluminum oxide to give us an estimate on cleaning the poisons from our home. We spoke with thirteen different companies in the Upstate area and in North Carolina. They all said that there are no work procedures, guidelines or anything for cleaning up aluminum oxide out of a home. They all said that they have never had any training on cleaning aluminum oxide from a home. They said that they had never heard of this before and could not find anyone that had heard of it either. Every one of these people that we spoke with said that they were not certified to even try to clean the aluminum oxide out of our home. We could not find anyone that was certified to clean this out of our home. No one would say that they would guarantee us that our home would be safe to live in again. They had no idea how to clean the toxins out. No one that we talked to knew of a correct way or of any procedure to follow to clean up heavy metal toxins. At the time we were trying to get estimates on the clean up, we had not yet found out that aluminum oxide is a heavy metal with many dangerous side effects. A man named Jerry Fortenberry stated in his deposition that there are no guidelines for clean up of aluminum oxide (heavy metals). He contacted many associates and other companies and could not find anyone that knew of any established work procedure that existed for clean up of aluminum oxide (heavy metals). We had one company that did give us a quote for clean up, but admitted that they were not familiar with aluminum oxide or with any specific guidelines to follow in order to perform a clean up. They went out of business shortly after giving us the quote. This was before we found out about all of the dangerous side effects of exposure to aluminum oxide. We did not know that aluminum oxide is a heavy metal when we were given the quote for the clean up. Our home and everything in it has been contaminated by all of these toxins that cannot be cleaned out. Our health has been severely damaged by these toxins as well. We have been told by our doctors that we will never get over the damage that has been done to our health. So you see, it is not just a simple matter of changing out the heating coils and the ductwork as Tuck & Howell had told us repeatedly was ALL that they were willing to do. They made it very clear that they were not going to take care of the damages to our home or our health. Even though Tuck & Howell was not going to take care of the damages, we were going to take care of them ourselves and deal with them later in court. We were going to do whatever we could to save our home if we could. This was all before we found out that the aluminum oxide is a heavy metal and is VERY dangerous. Things changed when we found out that aluminum oxide is a heavy metal, the doctors told us how dangerous these metals are and we read the report that the doctor gave us on aluminum toxicity for ourselves. We will never be able to return to our home to live due to the contamination it now has. Tuck & Howell put at least four different poisons into our home that we know of. Now you see that the lawsuit became necessary because Tuck & Howell was not willing to assume

responsibility for their actions and take care of all that they had caused to be contaminated. We have a copy of the report that our doctor pulled for us from a doctor's medical website that covers critical care topics. I would be glad to provide this to you. If you would read over this, you will see all of the dangerous side effects noted in the report and understand why we will never be able to live in our home again. The doctor did testing and found out that we have very high levels of metals in our bodies. We are having many severe health problems from all of these poisons. Tuck & Howell and Glen Bell (the Trane Company's service tech representative for the State) and the Trane Company all knew that the aluminum oxidation could happen to us because they had seen this problem with aluminum oxide (heavy metals) before. No changes had been made to avoid this happening again to other people. Tuck & Howell should have never bought this HVAC system to be installed under our home knowing that the uncoated coils could have problems. The Trane Company had given them a warranty that would cover replacing the uncoated coils with coated coils if a problem occurred. Jerry Tuck said at his deposition (pg.14, lines 2-13) that rather than the manufacturer preventing this by using coated coils in the manufacturing process, they take their chance by furnishing the coated coils after a problem occurs. The Trane Company furnished Tuck & Howell with the coated coils to replace the uncoated coils that had oxidized and caused the aluminum oxide powder (heavy metal). Tuck & Howell's employees changed the coils out. They did not do this correctly. They made holes in the replacement coils which started refrigerant leaks. The refrigerant was leaking onto the heating coils and burning off the coils. It was then being blown into our home by the fan. They were called out three times (three months in a row) for refrigerant leaks. The refrigerant, aluminum oxide (heavy metal) and mold were burning on the heating coils at the same time. Any one of these toxins would be harmful to breathe even if they were not burning and blowing through the air. The fan was blowing this into our home. We were breathing the fumes AND the powder both from these poisons. The worst way to be harmed from any kind of toxins is to breathe them if they are burning or blowing through the air. We were exposed to both the burning and the blowing in the air.

Glen Bell, Tuck and Howell and their employees all were lying to us about the aluminum oxide not being harmful. We found out from the doctors that aluminum oxide is heavy metals with many dangerous side effects. Not one of these men cared that we were being poisoned all the time that we were in our home.

We continued to keep the air on in the summer and keep the heat on in the winter. We have kept the filter changed.

Everyone that we called said there are no guidelines or any work procedures to follow to even try to clean the heavy metals and all of these poisons from our home. They all said that they had never had any training on cleaning metals from a home. They said that they were not certified to try to do this. We spoke with thirteen different companies in the upstate and in North Carolina and none of them had heard of heavy metals being in a home before. Everyone that we spoke with told us that they could not and would not tell us that they could clean all of the poisons from our home and make it safe to live in again. They were all aware of the health problems we are having from being exposed to these toxins. These men from the clean up companies were as afraid of these poisons as we are.

We filed a complaint with the South Carolina Department of Labor, Licensing and Regulation Contractor's Licensing Board in Columbia, SC on May 19, 2008 for Tuck and Howell's negligence on installing a new HVAC system and new duct work at our home.

The Licensing Board found them guilty of negligence. The Licensing Board sent Tuck and Howell a letter telling them that they had found them guilty and issued disciplinary actions and a fine against Tuck and Howell. Jerry Tuck signed the Consent agreement on Dec. 16, 2008 admitting his guilt to

negligent installation. Please refer to letter from South Carolina Department of Labor, Licensing and Regulation.