

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
APPEAL FROM SPARTANBURG COUNTY CIRCUIT COURT

THE HONORABLE J. DERHAM COLE

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

APPELLATE CASE NO. 2013-002439

RECEIVED
AUG 10 2013
SC Court of Appeals

Ray Long and Mary Long.....Appellants

vs.

Tuck and Howell, Inc.....Respondent

SUMMARY OF WHAT HAPPENED IN TRIAL COURT. SUMMARY OF INFORMATION I PREPARED FOR MR.
BANNISTER TO HELP HIM PREPARE OUR CASE AND EVIDENCE FOR TRIAL. QUOTES FROM GLENN BELL
AND JERRY TUCK'S DEPOSITIONS.

RECORDS ON APPEAL MAY 11, 2014

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
(864)232-4400
Attorney for the Respondent

STATE OF SOUTH CAROLINA

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Proof of Service By Mail

The undersigned certifies that a true copy of the "Summary of What Happened in Trial Court. Summary of Information I Prepared for Mr. Bannister to Help Him Prepare Our Case and Evidence for Trial. Quotes From Glenn Bell and Jerry Tuck's Depositions" 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

May 11, 2014

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

Re: Ray Long & Mary Long, Appellants vs. Tuck & Howell, Inc., Respondent
Appellate Case No. 2013-002439
The Honorable J. Derham Cole, Spartanburg County
Trial Court Case No. 2009-CP-42-00781

Dear Ms. Kitchings:

I have already sent some information to you about what happened at the trial. I am sending you more detailed information so that you can better understand what has happened. I apologize for the delay. Please excuse me if I repeated some things as I could only work on this a little at a time due to having severe health problems.

The reason that we are asking for a new trial is because our rights to a fair trial have been violated. We did not get a fair trial. We feel that there has been malpractice and negligent misrepresentation involved in our case from the beginning which was over eight years ago.

Attorney Bill Bannister did not even present the majority of our evidence to the court and the jury. Very little of our evidence was actually presented to them. Mr. Bannister did not send out subpoenas to the majority of the people that we had discussed would be called to testify. The few subpoenas that he did send out were not sent out for delivery until the Thursday and Friday before we were to go to court on Monday. There were only three subpoenas delivered. To our disadvantage, one of the three subpoenaed had been in a car accident and was unable to appear in court. We could not believe it on the morning of court when Mr. Bannister told us that there would only be two witnesses on our behalf. He only put two witnesses out of eleven onto the stand to testify on our behalf. I provided Mr. Bannister with very detailed, typed information of the entire scenario from day one to assist him in keeping the details straight and to prepare our case for court and then he didn't even call our witnesses that were requested and present the evidence that he had available. Please see details concerning this starting on Page 2 of the attached "Summary of what happened in court".

We plan to use this same "Summary of what happened in court" when we speak with another attorney about helping us. Some of the information that I am sending to you is about what happened in court at our trial. A lot of it is what I had prepared for Mr. Bannister to aid him in preparing our case and evidence for our trial.

We have been trying as hard as we could to make sure we had things in order to file this appeal for a new trial. We didn't know the legal procedures of filing the appeal with the appeals court. We had to just do the best we could. Our daughter called Mr. Bannister's paralegal and told her that our health problems had gotten a lot worse since we were at trial and that Ray was in the hospital with heart

problems and that we were both very depressed and too sick to handle the legal problems right now. She told her that we want to file for a new trial because we had been treated very badly by the legal system. Our daughter then asked the paralegal if she would ask Mr. Bannister if he would help us file for a new trial because of the way we were treated by the legal system. We did not know what else to do. We were running out of time to file for a new trial. It was very hard for our daughter to even call him and ask him if he would help us file for a new trial knowing very well that he was the one that did this to us. He did not represent us at all. He helped the other attorney represent Tuck and Howell and the Trane Company by not presenting all of our evidence and calling all of our witnesses. *Please see attached response from Mr. Bannister.*

We are sorry that we have not been slow to move forward with addressing our legal problems. We have been having severe health problems ever since Tuck and Howell, The Trane Company, and Steamatic of Greenville poisoned us with several different poisons. We are still having severe health problems and they have gotten a lot worse since we were at trial. In fact, Ray has been in the hospital with heart problems and hemorrhaged badly during that same hospital stay. We have been too sick to handle our own legal problems of trying to get another attorney that will help us. We are praying that our health will improve so that we will be able to take care of these legal problems. Since the trial, we have been too sick to handle the legal procedures of trying to get another attorney to file an appeal for a new trial before our time ran out. Our health has gotten worse, as mentioned above. We are trying as hard as we can to handle our own legal problems while dealing with severe health problems at the same time. We ask that you please allow us more time to find a new attorney to help us.

Sincerely,

Ray Long
Mary Long

Ray and Mary Long

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

Ms. Howard,

I have met with Mr. Bannister regarding the post trial motions and appeal. The following is his response and instructions on how Ms. Long should proceed if she decides to follow through with her appeal.

Ms. Long,

My agreement with you did not include any legal actions after trial or settlement of your case. Therefore, I will not file any post trial motions or appeals. If you wish to file an appeal, sign the attached Notice of Appeal and file it with the Clerk of Court for Spartanburg County within 30 days after the conclusion of the trial, or no later than October 18, 2013. You must also forward a copy of the Notice of Appeal to the Clerk of Court for the Court of Appeals.

You must request a copy of the trial transcript from the court reporter and be prepared to pay for the preparation of the transcript.

Bill Bannister

The following are addresses that you will need:

Spartanburg County Clerk of Court

PO Box 3483
Spartanburg, SC 29304-3483

Physical Address:

180 Magnolia Street

Spartanburg, SC 29302

S.C. Court of Appeals

Jenny Abbott Kitchings, Clerk of Court

1015 Sumter Street
Columbia, South Carolina 29201

All of these attorneys know how the appeals court is set up on appeals for a new trial. We did not know how this worked. They all knew this when they got together and planned to not get our subpoenas delivered to our witnesses and get them to court to testify at our trial. This is also the reason Mr. Bannister did not subpoena the main witnesses and get them to the stand to testify at our trial. These are three of the most important witnesses he was supposed to call to testify:

-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, with several different kinds of poisons. They are the company that put the new heat pump system in our home. We know Tuck and Howell did not want our witnesses to be put on the stand to testify and have this evidence brought out against them. Tuck and Howell didn't want the jury to see this kind of evidence against them. There is a lot of evidence against them. These attorneys have been keeping our lawsuit from going to court for years. They were able to keep our case and this evidence from the court and jury for several years. The paralegal told me that the court ordered these attorneys to get our case to trial. We don't understand why the court allowed these attorneys to drag our lawsuit out for several years. Now that the court ordered these attorneys to get our case to trial and they could not use this plan anymore. They had to come up with another plan on how they could keep the court and jury from seeing this evidence against Tuck and Howell and the Trane Company. They all knew that the only way to keep the court and jury from seeing this evidence would be to get our attorney Bill Bannister involved. We believe this is when all these attorneys get together with Tuck and Howell's insurance company and the Trane Company's insurance company and come up with the plan that Mr. Bannister would not get subpoenas out to our witnesses and get them to court to testify and would also not give our case and evidence to the court and jury. This was all part of the plan to do everything they could do to keep our evidence from the court and jury. The jury did not see the evidence of what happened at our home. This is also the reason our witnesses weren't put on the stand to testify and also the reason our evidence wasn't given to the jury. It was also part of their plan that Mr. Bannister would not call Jerry Tuck to the stand to testify even though he was in the court room! It was also part of their plan to not give the evidence against them to the jury. *Please see the list of toxins Tuck and Howell put in our home and our bodies. Also see the list of faulty installations they did while installing the new heat pump system, duct work and also faulty installation while installing the replacement coils. You will then understand why they didn't want the court and jury to see this evidence.

-Glenn Bell-He was the product service manager for general wholesale distributions. This is where Tuck and Howell bought the Trane heat pump system that they put in our home. He was also The Trane Company's service tech representative for the state of South Carolina. (Mr. Bell is the one that sold the Trane heat pump system with the uncoated coils they were experimenting with that they put under our home.) He is also the one that told us the Trane Company had this metal oxidation problem before. He also told in his deposition that the Trane Company was experimenting with different coatings or finishes on different coils to be put in different heat pump systems. We believe the Trane Company, their attorney, and their insurance company was involved

in the plan with all the other attorneys to not get these witnesses to the stand to testify at our trial. We also believe they were involved in the plan for Mr. Bannister to not give our evidence against them to the jury. We know that the Trane Company didn't want Glenn Bell, their service tech representative, to be put on the stand to testify. We know the Trane Company didn't want the court and jury to see the evidence against them. Glenn Bell was supposed to be put on the stand to testify. *Please see my quotes from Glenn Bell's deposition and additional comments. You will understand why the Trane Company would not want him to be put on the stand to testify. You will also understand why the Trane Company would not want the court and jury to see this evidence.

-Steamatic of Greenville-This is the company that Jerry Tuck had sent out to our home to 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. We were in our home breathing all of this the whole time. 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, bacteria and mold in the heat pump system and duct work.

They were trying to hide this from us. Tuck and Howell and their employees had already found the water and mold before Steamatic came out to our home and found the water and mold and treated it without our knowledge. They were underneath our home putting the microban treatment in the heat pump system and duct work. This was coming through the duct work inside our home. We were inside our home breathing this. We did not know they were doing the microban treatment. We found this out later on.

Tuck and Howell didn't want Steamatic of Greenville on the stand to bring out this evidence against them.

All of these attorneys were working together on this case to keep our evidence from the jury.

-It was all part of these attorneys plan for Mr. Bannister to not get the subpoenas delivered to our witnesses and get them to court to testify at our trial.

-It was also part of their plan that Mr. Bannister would not give all of our case evidence against these people to the court and jury.

-It was also part of their plan that Mr. Bannister would not get the subpoenas delivered to Glenn bell, The Trane Company representative, and Steamatic of Greenville.

-It was also part of their plan to not call our daughter and son-in-law to the stand to testify. They were also in the court room with us. They were supposed to testify for us.

-There were several other witnesses that Mr. Bannister did not deliver subpoenas to and get them to trial. This was all part of their plan.

Our rights have been violated by the legal system for eight and a half years. There has been legal malpractice and negligent misrepresentation involved in our case from the beginning. Mr. Bannister did not get our case and evidence to the court and jury. He presented very little of our case and evidence to

the court and jury. We did not have a fair trial. We deserve to have a fair trial. We deserve to have these people that destroyed our lives brought to court and put on trial for destroying our home, our health, and what we have worked hard for all of our lives.

We also deserve to be able to give our case and our evidence for this lawsuit to the court and jury. We are the innocent party in this lawsuit. We haven't done anything wrong to anyone. We are the ones that have lost everything we have worked all of our lives to get.

The attorneys representing Tuck and Howell, The Trane Company, and Steamatic of Greenville all knew that we had the evidence we needed to prove everything that we are saying in this lawsuit. They knew they had to get Mr. Bannister to help them to get Tuck and Howell, The Trane Company and Steamatic of Greenville out of having to take responsibility for destroying our health, our home and everything else we owned, with several different kind of poisons.

All of these attorneys knew that if Mr. Bannister did not get our witnesses to court to testify and if he did not give our case and our evidence to the court and jury, that there would not be a trial. This is exactly what happened. We were in court, but did not have a fair trial. This was all part of their plan. It was all part of their plan to do everything they could to keep this evidence from the jury. This is exactly what happened. The jury did not see the evidence of what happened in our home.

Without our witnesses being subpoenaed to court to testify, and our case and evidence not being given to the court and jury, there could not be a lawsuit against these people. The worse thing of all was that Mr. Bannister didn't even put Tuck and Howell, The Trane Company or Steamatic of Greenville on the stand. These companies destroyed our lives with a lot of different types of poisons and they were not even put on the stand. These three companies destroying our lives with poisons is what this lawsuit is all about and they were not even put on the stand.

While at our trial, we could not understand why Mr. Bannister did not get the subpoenas out to our witnesses and get them to court for our trial. This didn't make any sense that he would do this knowing that our case and our evidence for this lawsuit depended on getting these people to the stand to testify.

We see now that he did all this for a purpose.

At our trial, we also could not understand why Mr. Bannister was not presenting our case and our evidence to the court and jury. We could not understand this. We kept thinking "What is he doing? Why is he doing this to us?" We finally realized that he wasn't representing us. He was working with Tuck and Howell's attorney to represent Tuck and Howell.

Tuck and Howell have two different law firms that have been trying to get them out of having to take responsibility for destroying our lives. They also had their insurance company's attorney working with them. They had three different attorneys in Walsh law firm working together on this case; James P. Walsh, John Harjehousen and Mathew Henrickson. They were all three working together on this case. Tuck and Howell's other attorney was Michell Law Firm. Jerry Tuck said at his deposition that he had two different law firms working for him. It turned out at the trial that Bill Bannister who we thought was going to represent us, did not represent us at all. He was doing everything he could to help the other side represent Tuck and Howell. We did not have an attorney to represent us at all. We had been trying

to get our case and evidence to court for trial for eight and a half years! When we finally got our case to court for trial, our attorney did not present our case and evidence to the court and jury. This destroyed us. We had been waiting for eight and a half years! We worked so hard on preparing our case and evidence for trial but something terrible happened. Our attorney did not represent us at all. He was helping the other attorneys represent Tuck and Howell.

We don't know if Judge Cole was aware of what these attorneys were doing in court. If he did know, we don't know how much he knew about what these attorneys did to us. He had to have wondered why Mr. Bannister did not put Tuck and Howell on the stand knowing that they were the ones being sued. He would have had to have known what this lawsuit was about if he had seen this evidence against Tuck and Howell. He had to have wondered why Mr. Bannister wasn't presenting our case and this evidence against Tuck and Howell to the jury. It seems like judge Cole would have had to have seen what was going on with these attorneys and their cover up of not getting the subpoenas out to our witnesses and getting them to court to testify, and also the cover up of this evidence against them.

*Please see the quotes from Jerry Tuck's deposition and additional comments.

The Trane Company was experimenting with the coils in the heat pump systems. They knew there could be problems with the uncoated coils. Tuck and Howell also knew there could be problems with the uncoated coils. Mr. Tuck said in his deposition on page 14 "Rather than the manufacturer preventing this in the manufacturing by furnishing coated coils, they take their chances by furnishing the coated coils when the problem occurs. And so we are given a warranty to replace the uncoated coils with coated coils when this occurs."

Jerry Tuck is saying in his deposition that the Trane Company could have prevented these damages from occurring by furnishing coated coils.

Tuck and Howell could have also prevented these damages to our home and our health. They willfully bought the heat pump system to put in our home knowing that the uncoated coils could cause problems. No one made them buy this heat pump system with the uncoated coils. They willfully bought this heat pump system to be put under our home knowing there could be problems with it. They would not have put this heat pump under their own home.

Tuck and Howell also could have prevented these problems if they had installed everything correctly in the first place. Tuck and Howell's faulty installation while installing the new heat pump system, duct work, and also their faulty installation while installing the replacement coils is what caused all these damages that destroyed our home and health. They wired condensate pump to the light switch under our home; when the light was turned off under our home, the condensate pump was also off. This caused the condensate pump to not work, allowing water to back up in the heat pump system for over a year. This water backing up in the heat pump system for over a year is what caused all these damages that destroyed our home and our health.

*Please see the list of toxins Tuck and Howell put in our home and our bodies because of their faulty installations.

*Please see the quote from Glenn Bell's deposition and additional comments.

Glenn Bell was product service manager for General Wholesale Distributors and was also The Trane Company's service tech representative for the state of South Carolina. Tuck and Howell bought the heat pump system that they put under our home from General Wholesale Distributors. In Glenn Bell's deposition he gives a list of different things The Trane Company was experimenting with on different coils to be put in different heat pump systems. Page 16 beginning with line 25 and continuing onto page 17, He said that "some of the coils were completely dipped in epoxy via a third party. Some of the coils were made using coated aluminum for the fin stock. He said they were coated with some type of a black epoxy or some type of finish on the aluminum". He also said that "some of the coils were manufactured by Trane and then sent to a third party that completely dipped all of the components in an epoxy coating. Some of the coils used an aluminum fin stock that was pre-coated before the coils were manufactured by the manufacturer".

Please see on page 25, lines 14-18, of his deposition. Attorney Mr. John Harjehousen asked Mr. Bell "Why would a part be sent back to Trane, as opposed to simply giving it to General Wholesale Distributors and General Wholesale Distributors just giving the replacement part to Trane?" Lines 19-21, Mr. Bell answered "In this particular case, based on my best recollection, the factory was looking to address certain situations with certain products."

The Trane Company was experimenting with the uncoated coils that they sold to be put under our home. Tuck and Howell, The Trane Company, and Glenn Bell who was The Trane Company's service tech for the state of South Carolina, all thought because we are senior citizens they could experiment on us and use us for guinea pigs.

We don't know which of the coils The Trane Company was experimenting with was in our home that had metal oxidation problems. We don't know which of the coils they are experimenting with is in our home now. The Trane Company had already had this metal oxidation problem before and they allowed this to happen again to us. The coating they were experimenting with on the coils that they put in our home also oxidized off these coils. This is also in our home and our bodies.

We had a nice home that had just been remodeled and updated. We only had a few things left to do and we would have had a new home. The new heat pump system and duct work that Tuck and Howell put in our home was the most expensive thing we had left to do. Then Tuck and Howell came in and destroyed everything we had done with several different poisons. We had worked very hard on remodeling and updating our home. We had also spend a lot of money doing this. We were getting ready for our retirement years. We had everything like we wanted it and were looking forward to our retirement years. Tuck and Howell took all of this away from us. We haven't had a vacation since they poisoned us. We are just trying to get by the best we can. It is very hard.

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 aluminum oxide and the odors from our home. The aluminum oxide and odor is all that we had found out about at this time. We were being told by Tuck and Howell, their employees, Glenn Bell, and The Trane Company that the aluminum oxide wasn't harmful. We were telling them that we had

been having health problems ever since we had the new heat pump system and duct work put in and we knew that there was a connection between the new heat pump system and our health problems. But they kept telling us that the aluminum oxide wasn't harmful.

At this time, we had not found out about all of the other poisons that they had put in our home. At this time we had also not found out that the aluminum oxide powder is metal powder. They were lying to us about the aluminum oxide powder not being harmful. Later on we found out from the doctors that the aluminum oxide is heavy metal powder.

As time went by, we found out a little at a time about all the different poisons they had put in our home and our bodies.

We spoke with thirteen different companies about cleaning our home. They all said that there is no work procedures, guidelines, or anything for cleaning up aluminum oxide from a home. They all said they had never heard of this before and could not find anyone that had heard of it.

We had to leave our home in 2005 because we were having severe health problems and also because our home is contaminated with several different kinds of poisons. We are terrified of our home because of all these poisons they put in our home and knowing that they have already destroyed our health.

We are having to rent a place to live. We have had to use the money we had saved all of our lives to supplement our retirement income because we can't live on our retirement income alone. Now we have had to use these finances to rent a place to live and also to take care of the many extra expenses it has cost us for nine years. This money has went very fast. We have lost our health, our home and most of everything we have worked hard for all our lives. We have lost what we have saved to supplement our retirement income.

We are seniors living on a fixed income. Ray is a veteran with a very bad hearing disability. He lost his hearing while he was in the military. He can hear a little with hearing aids but not much. He tries to read lips the best he can. We are also having severe health problems from breathing several different kinds of poisons these people put in our home.

Tuck and Howell, The Trane Company, Glenn Bell (The Trane Company representative) and Steamatic of Greenville were all using us for guinea pigs. The Trane Company has already had the metal oxidation problem before. They knew if this happened again with these uncoated coils that this would destroy our health, contaminate and destroy our home and everything we owned and this is exactly what happened.

They thought because we are seniors and Ray having bad hearing loss they could experiment on us and get away with it. They all knowingly participated with experimenting on us with these uncoated coils.

Tuck and Howell, The Trane Company and Glenn Bell (The Trane Company's representative) have continued to abuse us over and over again for all these years. This is senior abuse, and also abuse of someone with a very bad hearing disability. They have all take advantage of us to benefit themselves.

The Legal System

The legal system has been dragging our lawsuit out for years. We believe they were dragging this out as long as they could because they didn't want the court and jury to see the evidence against Tuck and Howell and The Trane Company. We know for a fact that Tuck and Howell and The Trane Company didn't want the court and jury to see this evidence against them. They know we are having severe health problems. They have seen the test results from the doctor showing we have high metal levels in our bodies. They have also seen the medical report that the doctor gave us on metal toxicity. We believe they also thought that the longer they could drag our lawsuit out the better chance they would have that we would not be able to go to trial or remember what has happened to us.

I have kept notes on everything that was said and done between everyone and dated them. I was putting this in a summary as it happened. So I have everything written down on paper. This was the only way I could make sure that I kept up with everything that happened and when it happened.

The paralegal told me that the court ordered these attorneys to get our case to trial. We don't understand why the court allowed these attorneys to drag our lawsuit out for several years.

After the court ordered these attorneys to get our case to trial and they could not drag this lawsuit out any longer. They had to come up with another plan on how they could keep the court and jury from seeing this evidence against Tuck and Howell and The Trane Company. We Believe this is when all these attorneys got together with Tuck and Howell's insurance company and the Trane Company's insurance company and came up with the plan that Mr. Bannister would not get subpoenas out to our witnesses and get them to court to testify and would also not give our case and evidence to the court and jury. This was all part of the plan to do everything they could to keep this evidence from the court and jury. This is exactly what happened. The jury did not see the evidence of what happened at our home.

Without our witnesses being subpoenaed to court to testify, and our case and evidence not being given to the court and jury, there could not be a lawsuit against these people. This was their plan to keep the evidence against Tuck and Howell and the Trane Company away from the jury.

We didn't have an attorney to represent us at our trial. He gave very little of our case to the court and jury. Our rights have been violated by the legal system for eight and a half years. There has been legal malpractice involved by all of these people. There has also been negligent misrepresentation involved in our case from the beginning. It is very wrong what is going on in the legal system.

Mr. Bannister sent us a letter on February 21, 2013 telling us that Tuck and Howell's attorneys were going to deposition Dr. Petrov from Pittsburgh, Pennsylvania by videotaped deposition on February 28, 2013. He was going to do a deposition against us, to try to help Tuck and Howell get out of having to take responsibility for destroying our health and everything we owned. He was going to be a witness for Tuck and Howell by videotaped deposition in court.

We had not heard a word about this deposition until one week before they were going to do it. This was a complete surprise to us. We were not able to go to this deposition. We were supposed to go to trial on March 11, 2013. We received a copy of the transcript on March 10, 2013, only one day before we were supposed to go to trial. We found out one week before we were supposed to go to trial that Tuck and Howell's attorneys were going to deposition Dr. Petrov from Pittsburgh, Pennsylvania. They waited until a week before we were supposed to go to trial on purpose. They knew that attorney Matthew

Henrikson and Dr. Petrov were going to be doing a lot of lying in this deposition and they didn't want me to have time to do a rebuttal against them. We were number 2 in line for this date (March 11, 2013) to go to trial. The court didn't know if the case before us would go forward or not. So we were in line to go to trial if the case in front of us didn't go forward. It did go forward so our trial was postponed to a later date. We went to trial September 16, 2013. They didn't know at this time that our trial would be postponed.

When we started reading this transcript of attorney Matthew Henrikson doing the deposition of Dr. Petrov, we could not believe they could deliberately lie like this. All the way through this deposition, Mr. Henrikson is coaching Dr. Petrov on what he wants him to say, how he wants him to say it happened and the time frame he wants him to say it happened in. He tells him the years he wants him to say it happened. He coaches him to say it happened before the heat pump was put in or after it was put in.

Direct examination was done by attorney Matthew Henrikson one of Tuck and Howell's attorneys. (Started on page 5) Cross examination was done by attorney Bill Bannister, our attorney at the time. (Started on page 35) Redirect by attorney Matthew Henrikson (started on page 40). When Mr. Henrikson was doing the deposition with Dr. Petrov, he would say what Mr. Henrikson was coaching him to say. He was coaching him throughout this deposition to say things that were not true. When Mr. Bannister was doing the deposition with Dr. Petrov, he would say the opposite to Mr. Bannister of what he had said when Mr. Henrikson was doing the deposition with him. Mr. Bannister wasn't coaching him on what to say so he told the truth. Then Mr. Henrikson would come back again on redirect and coach Dr. Petrov again to say the opposite of what he had said to Mr. Bannister.

There was legal malpractice involved from both attorney Matthew Henrikson and Dr. Petrov.

This is also senior abuse in a terrible way because they lied about us throughout this deposition. They continued to take advantage of us to try to help keep Tuck and Howell from having to be responsible for destroying our lives.

They really did this for themselves. They did this to put a lot of money in their pockets. It didn't matter to them that they were abusing us even more. It didn't matter to any of these people that they have all been a part of destroying two seniors' lives to profit themselves. This hasn't been about what is right, and what is wrong, or who is guilty and who is innocent. It has all been about dragging our lawsuit out for eight and a half years so they can put as much money in their pockets as they can get.

We know for a fact that there has been pay off to get people to try to keep Tuck and Howell from having to take responsibility for destroying our lives.

Tuck and Howell's insurance company paid a lot of money to Dr. Andre A. Petrov in Pittsburgh, Pennsylvania to get him to do a deposition against us and use this deposition to try to help Tuck and Howell get out of having to take responsibility for destroying our health and everything we owned.

Dr. Petrov is from Serbia. He came to the United States to become an allergy doctor. He hasn't been an allergy doctor very long. He said in his deposition that he finished the allergy fellowship at the end of 2004. This is when he became an allergy doctor. For a large fee, he also does depositions to try to help people like Tuck and Howell get out of having to take responsibility for destroying peoples' lives.

Dr. Petrov said in his deposition that he reviewed all of our medical records for 33 years. He said he went all the way back to 1980 reviewing our medical records. He said he also reviewed the depositions of Ray and I. He said he reviewed two doctors' depositions.

We guess these attorneys got a court order to get our personal medical records but we don't know for sure.

We have always tried every way that we could to protect our personal information.

We are very concerned that these attorneys can get our personal records and send them to whoever they want to send them to.

We are worried about these record, not knowing who all has our records and what they may do with the personal information on them. Our names, our address, our phone number, our social security numbers, our Medicare number, and our other insurance numbers are all on these medical records.

We don't know if they threw them in a dumpster or what they did with our personal records. We don't see how these attorneys could send our private information to these people. These people now have 33 years' worth of our personal records.

This is very wrong that these attorneys were allowed to give our medical records with our personal information to whoever they wanted to give them to.

We haven't had any rights. We haven't had an attorney to stand up for our rights.

These attorneys sent our medical records containing information from the past 33 years to Dr. Petrov for a purpose.

Tuck and Howell's insurance company was going to pay Dr. Petrov, attorney Matthew Henrikson, the reporter and the videographer a lot of money to do a deposition against us to try to help get Tuck and Howell out of having to take responsibility for destroying our lives with poisons.

They did a videotaped deposition of Dr. Petrov to be used in court to try to help Tuck and Howell. He was going to be a witness for Tuck and Howell in court.

We believe the Trane Company, their attorney, and their insurance company may have been involved in this payoff.

On page 4 of this deposition the court reported said "At this juncture discussion was held on the written record but off the video record". The court reporter said in a couple of paragraphs later, "At this juncture, discussion was held on both the written and video records".

From what I understand there were things in the written deposition that was taken out when they did the video deposition.

Dr. Petrov said in his deposition his rate for reviewing all these records and things like that was \$510.00/hour. He said he also gets \$2,600.00 for doing a deposition. They did a written deposition and also a video-taped deposition for court. He was supposed to be a witness for Tuck and Howell in court.

We know they paid a lot of money to Dr. Petrov. We don't know how much they paid attorney Matthew Henrikson for his part in all of this or the court reporter, or the videographer. We know that this ended up costing them a lot of money.

I almost forgot to tell you that since our trial was postponed from March 11, 2013 until September 16, 2013, I had the time to do a rebuttal against attorney Matthew Henrikson and Dr. Petrov.

I was having severe health problems and it took me about three or four months to do the rebuttal against them. I could only do a little at a time.

I had to research all of the records that attorney Matthew Henrikson and Dr. Petrov said they had reviewed and a lot more. I found all of the evidence to prove in my rebuttal that they had lied throughout this deposition. If our trial hadn't been postponed I wouldn't have had time to do the rebuttal against them. Dr. Petrov was supposed to be a witness for Tuck and Howell by videotaped deposition but they didn't call him as a witness. We were hoping they would call him. We were ready with our rebuttal and our evidence to prove that they had lied throughout the entire deposition.

Some of this information I am sending is about what happened in court at our trial but ~~we~~ ^{Some} of this information is what I had already prepared for Mr. Bannister to help him prepare our case and evidence for our trial.

All these years, I have made notes on everything that was said and done between everyone and dated these notes showing when it happened. I have put this in a summary as it happened.

These people have destroyed our lives in every way possible.

We are very worried and depressed. We are having problems eating and sleeping. We can't get these problems off of our minds. They are on our minds 24 hours a day. We have bad dreams about all these problems over and over again. We have lost our health, our home and most everything we owned because of these poisons these people put in our home and our bodies. We can't give up but we don't know what we are going to do.

Will you please help us?

I prepared this information to help Mr. Bannister prepare our case and evidence for trial. This is the reason I am referencing the page and line numbers in these records. I am giving the page and line number so he can check this in their depositions for himself to verify what I am saying.

I researched all the depositions, letters, all testing we had done at our home, and all of the records from everyone involved to find evidence about what happened at our home. I made notes on the evidence that I found in these records and gave this to Mr. Bannister.

I told him where he could find this evidence in their records and verify what I was saying to be true.

Quotes from Glen Bell's deposition (and additional comments)

*Glen Bell was Product Service Manager for General Wholesale Distributors. He was also the Trane Company's service tech representative for the State of SC. Tuck & Howell bought the heat pump system that they put in our home from General Wholesale Distributors.

*This information was taken from his deposition taken on 12-20-12. I am referencing the page and line numbers so that these papers can also be used later in court by our attorney.

See Page 16 (beginning with Line 25 and continuing onto Page 17- He said that some of the coils were completely dipped in epoxy via a third party. Some of the coils were made using coated aluminum for the fin stock. He said they were coated with some type of a black epoxy or some type of a finish on the aluminum. He said that some of the coils were manufactured by Trane and then sent to a third party that completely dipped all of their components in an epoxy coating. Some of the coils used an aluminum fin stock that was precoated before the coil was manufactured by the manufacturer.

The Trane Company was experimenting with different kinds of coatings on different coils to be put in different heat pump systems. We don't know how many toxins we may have been exposed to from the coils that we don't know about. We don't know how many toxins they used that destroyed our health, home and just about everything that we have worked for all of our lives. They have destroyed us in just about every way possible. We don't know which of these coils was used to replace the coils that had the aluminum oxide problems. The first coils that were in the system caused the aluminum oxide (heavy metals), the chemical & metallic odors and the "stinky sock syndrome" odor. The replacement coils that are in our home now may be just as bad as the other coils that caused us all of the problems or they may be worse than the other coils. We don't know which of the coils they are experimenting with is in our home now. You can see by looking at the coils that had the aluminum oxide problems that there was a lot going on with those coils. You can see rust on the coils and you can see where the finish burned off and had turned black. You can see how heavy the aluminum oxide powder was. These pictures were taken after they had brushed a lot of the powder off to be tested. We are even more concerned now after hearing what Glen Bell said at his deposition than we were before. We can't get anyone to help us find out what all we have been exposed to by these people. It seems that people just don't care. This could happen to anyone at any time. They are just using people for guinea pigs. Enough is enough. It is time for us to step up and say, "You are not using us for guinea pigs any longer". After it happens to you or a loved one, it is too late. The poisons will have already destroyed your health, home and everything you have worked to have.

In this next section of Glenn Bell's deposition, Mr. Bell, attorney John Harjehausen and attorney Bill Bannister were talking about the faulty installation, water on the coils causing the aluminum oxide powder and water on the coils causing the terrible odors. This was the discussion:

Page 25, Lines 2,3,4 (Mr. Harjehausen)- This appears to be a form that was generated by General Wholesale Distributors. Have you ever seen any forms like this before?

Line 5- (Mr. Bell)- yes

Lines 6,7,8 (Mr. Harjehausen)- and it appears to direct Tuck and Howell to send a part being replaced under warranty directly to the Trane Company, is that right?

Line 9 (Mr. Bell)- it does

Lines 10,11,12 (Mr. Harjehausen)- and was that a typical procedure that was in place in 2005 for General Wholesale Distributors?

Lines 12,13- (Mr. Bell)- It may have been a procedure that was in place during that time, but it was not typical.

Lines 14,15,16,17,18 (Mr. Harjehausen)- Why would a part be sent back to Trane, as opposed to simply giving it to General Wholesale Distributors and General Wholesale Distributors just giving the replacement part to them?

Lines 19,20,21 (Mr. Bell)- In this particular case, based on my best recollection, the factory was looking to address certain situations with certain products.

(The Trane Company was experimenting on different coils to be put in different heat pump systems. Please see this in Glenn Bell's deposition. They were experimenting on us with these uncoated coils. Again they were using us and the general public as guinea pigs. We don't know which of the coils that they were experimenting with was in our home that caused the aluminum oxidation problem.)

Page 22, Lines 24,25 (Mr. Harjehausen)- Are you aware of any installation errors which causes such powder to form on the coils?

Page 23, Lines 1-6 (Mr. Bell)- I am aware of the fact that certain installation errors could cause more moisture or water to form on the coils and be there for an extended period of time therefore causing the coils to possibly be in the state which would create that problem.

Line 7 (Mr. Harjehausen)- Okay. Assuming such errors occurred, would you expect white powder to form within a year?

Line 9 (Mr. Bell)- No

Line 10 (Mr. Bell)- No

Line 11 (Mr. Bell) from my experience, time was not an issue.

Line 12 (Mr. Harjehausen)- What do you mean by that?

Line 13 (Mr. Bell)- There was no requirement of time for this to occur.

Line 15 (Mr. Harjehausen)- You mean that if water hits the aluminum, it creates white powder the next day?

Line 17 (Mr. Bell) - Yes

Page 40, Lines 22, 23 (Mr. Bannister, attorney)- So there are two coils, one outside and one inside?

Line 24 (Mr. Bell)- Yes, Sir

Line 25 (Mr. Bannister)- Okay. And the odor comes from the inside coils...

Page 41, Line 1 (Mr. Bannister (cont.))- becoming wet with moisture?

Line 2 (Mr. Bell)- That is correct

Tuck & Howell's faulty installation errors caused large amounts of water to back up into the system for a year. This caused the aluminum oxide powder (heavy metals). It also caused the mold problems, the "stinky sock syndrome" odor, the chemical odors, the metallic odors and lots of bacteria. The faulty installation is where the water came from that the attorneys and Glenn Bell were talking about.

QUOTES FROM GLENN BELL (AND ADDITIONAL COMMENTS)

THE TRANE COMPANY HAD ALREADY HAD THE METALS TO OXIDIZE OFF THE UNCOATED COILS BEFORE IT HAPPENED TO US.

When we called Tuck & Howell concerning the terrible odors and the white powder dust that was piled up in front of our heat registers and all over our home, they sent Scott Cooper and another man out to check this out.

Mr. Cooper called Glenn Bell while standing in our family room talking with us about these problems.

Glenn Bell was the product service manager for General Wholesale Distributors. This is where Tuck & Howell bought the Trane heat pump system with the uncoated coils that they put into our home. Glenn Bell was also the Trane Company's service tech representative for the State of South Carolina.

Mr. Cooper told Glenn Bell about the odors and the white powders piled up in front of our heat registers and all over our home.

Mr. Bell knew immediately that the white powder in our home was aluminum oxide (metal powder dust) and told Scott Cooper this.

He said that the reason he knew what the powder was is because the Trane Company had already had this problem before with aluminum oxidation.

I spoke with Glenn Bell later on on the phone and he told me the same thing that he had told Mr. Cooper.

This metal oxidation problem had already happened before and they didn't do anything to prevent this from happening again to us or anyone else.

These people do not care that they have destroyed our health, our home and most everything we owned with poisons.

There were a lot more poisons put in our home other than the aluminum oxide powder (metal powder) and the stinky sock syndrome odors.

Please see the list of toxins that these people put into our home, our bodies and most everything we owned.

When Tuck & Howell's employee's were installing the heat pump system and duct work, they wired the condensate pump to the light switch under our home. When the light was turned off, the pump was off also. Therefore, the water was not being pumped out to the outside of our home. The water was backing up in the system for over a year. This is what caused us to lose our health, our home, and most everything else that we owned.

Quotes from Jerry Tucks deposition and also from his letter to us

Please see page 13 of Jerry Tuck's deposition

Mr. Bannister is asking Mr. Tuck some questions about the condensate pump.

Mr. Bannister asked: And the condensate pump serves what purpose?

Mr. Tuck answered: It removes the condensation from the air conditioning in the summertime and pumps it outside.

Mr. Bannister asked: And if the condensation is not removed from the air conditioning in the summertime, what results?

Mr. Tuck answered: Depending on the severity of and the length of time involved, it would puddle, puddle drastically water.

Mr. Bannister asked: Is that a breeding ground for mold?

Mr. Tuck answered: It could be.

Mr. Bannister asked: You're familiar with the term, I think, stinky sock syndrome?

Mr. Tuck answered: Yes

Mr. Bannister asked: Have you heard that? What is that?

Mr. Tuck answered: It's a term coined by the Trane Company. It's caused by bacteria.

Tuck & Howell and the people at the Trane Company both knew this could happen with the "stinky sock syndrome" and the aluminum (metal) oxidation. They knew it had happened before and that it could happen again with the uncoated coils.

Please see Pages 21 & 22 of Mr. Tuck's deposition

Tuck & Howell, Glenn Bell and the people at the Trane Company could have prevented this metal oxidation problem from happening to us.

Please see on pages 21 & 22 of Mr. Tuck's deposition where he said that four different men wired the condensate pump to the light switch.

****Please see Jerry Tuck's letter to us dated February 8, 2006.**

He states in his letter about them coming out to our home in response to a white powder substance coming from our duct work. He also states that we had an odor also coming from the same duct work. They came out for the odors and the white powder all on the same day. He also mentions in this letter the "stinky sock syndrome", the aluminum oxidation, refrigerant leaks and the high electric bills.

This is information concerning both Tuck and Howell and The Trane Company

The Trane Company was experimenting on different coils to be put in different heat pump systems.

The Trane Company had already had this problem before with the metals oxidizing off the uncoated coils. They sold these uncoated coils again to be put under our home knowing that the metals could oxidize off these coils. They knew how the metal poisoning would destroy our health. They also knew that it would destroy our home and everything we owned.

Jerry Tuck said in his deposition on page 14, "Rather than the Trane Company preventing this in the manufacturing by furnishing coated coils, they take their changes by furnishing the coated coils when the problem occurs. So we are given a warranty to replace the uncoated coils with coated coils when this problem occurs."

Tuck and Howell knew this could happen with these uncoated coils. The Trane Company had given them a warranty to replace the uncoated coils with coated coils if this problem occurred.

Jerry Tuck said in his deposition on page 14 that the Trane Company could have prevented these problems by furnishing coated coils. He doesn't say what Tuck and Howell could have done to prevent destroying our health, our home, and most everything we owned with poisons.

Tuck and Howell could also have prevented these problems. They willfully bought this heat pump system to be put under our home knowing that there could be problems with these uncoated coils. No one made them buy this heat pump system with the uncoated coils.

Tuck and Howell, the Trane Company, and Glenn Bell (the Trane Company service tech representative) all participated in putting this heat pump system with the uncoated coils under our home, knowing there could be problems with them.

Tuck and Howell also could have prevented these problems if they had installed everything correctly in the first place. Tuck and Howell wired the condensate pump to the light switch under our home. When the light switch was turned off, so was the condensate pump. Tuck and Howell's faulty installation errors caused large amounts of water to back up into the heat pump system for over a year. This caused the aluminum oxide powder dust (heavy metals). It also caused the mold problems, the stinky sock syndrome odor, the chemical odor, the metallic odors which were the metals burning off the coils, and also lots of bacteria.

- There are different colors of metal powder dust that oxidized off these coils.
- Please see the pictures of these coils.

They removed these coils out of the heat pump system and installed replacement coils back in the same heat pump system. They did not replace the heat pump system. They only replaced the coils.

They also didn't install the replacement coils correctly. They made holes in the replacement coils while they were installing them. This started refrigerant leaks. The refrigerant leaked out three different times in a three month period. It was leaking out and burning off the coils. All of the other poisons that they had put in our home were still on the coils also. The water was also still backing up onto the replacement coils. All of these toxins were burning together and putting off a very toxic odor.

Tuck and Howell could have also prevented all of these problems by installing the new heat pump system and duct work correctly in the first place. Also, they could have installed the replacement coils correctly.

They were experimenting on us with these uncoated coils.

They have taken advantage of us because we are seniors and also because Ray has very bad hearing loss. He lost his hearing while he was in the military. He tries to read lips the best he can. They thought they could experiment on us with these uncoated coils and get away with it.

We believe that we are not the only ones that have been poisoned by the metals oxidizing off the coils in these Trane Heat Pump Systems.

Tuck and Howell and the Trane Company are both responsible for destroying our health, our home, and most everything in our home with poisons. They both knew there could be problems with these uncoated coils. The Trane Company already had the problem with the metals oxidizing off of the coils before.

This is the summary of the information I prepared for Mr. Bannister to help him prepare our case and evidence for our trial.

There have been a lot of different problems that have happened in this case.

I have kept notes on everything that was said and done between everyone and dated them. I was putting this in a summary as it happened so I have everything written down on paper. This was the only way that I could make sure that I kept up with everything that happened and when it happened.

I have tried to keep this summary updated as things happened.

This was in 2004

- In November 2004 we had Tuck and Howell Heating and Air put in a new Trane Heat Pump and new duct work in our home.

We started smelling something that smelled like rubber or plastic burning on the heat pump system.

We called Tuck and Howell and was told that it was the "new" wearing off the coils.

We started seeing heavy dust several weeks after we had the new heat pump system and duct work installed. We knew we did not have this heavy dust until we had the new heat pump and duct work installed but we could not find out where it was coming from. It may have started as soon as we turned it on. It may not have been heavy enough at first for us to pick up on it. We could not tell it was silver/white dust until we were away from our home and it piled up. This is when we found out where the dust was coming from. At first, we thought that the powder dust was just house dust.

This was in 2005

- In October 2005 we were on vacation and away from our home for several days. We returned home to find very heavy silver/white powder dust piled up in front of our heat register and throughout our home. We also had very bad odors in our home. This was eleven months after we had the new heat pump and duct work put in.

When we found the white powder dust and the bad odors, we called Tuck and Howell, the company that put in the new Trane Heat Pump System and duct work eleven months earlier. This heat pump and duct work was installed in November of 2004.

When we called Tuck and Howell concerning the silver/white powder dust and the odors in our home, they sent Scott Cooper and another man out to our home to check this out.

Scott Cooper and the other man knew what one of the odors was. They called it stinky sock syndrome. This is caused by bacteria. We found out later that the other odor in our home was a metallic odor that came from the metals oxidizing off the coils and burned on the coils. They said they had never seen the white powder before. Mr. Cooper called Glenn Bell, who was product service manager for General Wholesale Distributors. This is where Tuck and Howell bought the Trane Heat Pump System that was put under our home. Glenn Bell was also the Trane Company's service tech representative for the state of South Carolina.

Mr. Cooper called Mr. Bell while standing in our family room talking with us about the problem.

Glenn Bell told Mr. Cooper that the silver/white powder dust was aluminum oxide. (We found out from our doctors that this is metal powder.) Mr. Bell knew immediately that the white powder was aluminum oxide. (metal powder dust)

He said the reason he knew what the powder was is because the Trane Company had had this problem before with aluminum oxidation.

Mr. Bell agreed with Mr. Cooper that one of the odors was stinky sock syndrome. It is caused by bacteria. He said the aluminum oxidation and the stinky sock syndrome were connected.

I spoke with Mr. Bell on the phone and he told me the same thing that he told Mr. Cooper.

When we found the aluminum oxide and the odors in our home, we begged Tuck and Howell to please take the heat pump and duct work out and get someone who knows how to clean this up to come in immediately and get this mess cleaned from our home.

We told Tuck and Howell and Glenn Bell that we have been having health problems ever since we had the Trane Heat Pump System put in and we felt there was a connection between this heat pump system and our health problems.

Tuck and Howell, their employees, and Glenn Bell (the Trane representative) all told us that the aluminum oxide wasn't harmful. Later on we found out from our doctors that this wasn't true. The doctors told us that aluminum oxide is a heavy metal and is very harmful. They told us to stay away from this contaminated home.

October 2005 – A few days after we found the aluminum oxide powder and the terrible odors in our home, Jerry Tuck and Scott Cooper came out again to our home. Mr. Tuck said that they had come to try to find out what had caused the aluminum oxidation problem and bad odors.

This was Mr. Tuck's first time to our home.

Mr. Tuck started asking us if we had had any water leaks anywhere. We told him that we hadn't had any water leaks.

He and Mr. Cooper checked our home from one end to the other end looking under all of our sinks, in the attic, etc. They were looking everywhere they thought there could have been water problems.

They then went outside and Mr. Tuck crawled underneath our home looking to see if there had been any water leaks underneath our home from the plumbing.

Mr. Tuck and Scott Cooper came back inside our home and told Ray and I that they could not find anything that could have caused the aluminum oxidation problem and the bad odors.

They were looking for something on our part that could have caused the aluminum oxidation problem and the terrible odors.

The aluminum oxide and the bad odors is all that we had found out about at this time and they had told us it wasn't harmful. There was a lot going on that we did not know about that Tuck and Howell was hiding from us. Things were a lot worse than we thought. Besides aluminum oxidation problems and the odors, they had also found water and mold in the heat pump system. There were also very high bacteria throughout our home from the water backing up for a year.

At this time we had only found out that we had aluminum oxide and the bad odors. Tuck and Howell was hiding the water, mold, and bacteria from us.

They knew about the water, mold, and bacteria when they came to our home asking us questions about if we had had any water leaks. They had already found these problems with water and mold when they came to our home asking us if we had any water leaks.

They did not tell us that they had found water and mold in the heat pump and duct work. They just told us they had come to our home to try to find out what caused the aluminum oxide and the odors.

We did not know there was water and mold in the heat pump and duct work. They were hiding this from us. We now know why Mr. Tuck was asking us if we had had any water leaks. They had also found water and mold in the heat pump system.

Mr. Tuck and Scott Cooper did not check the installation of their employees work while searching our home for something on our part that could have caused these problems.

If they had only inspected their employees work, they would have found out what caused all these problems that destroyed our health, our home, and everything we had.

They would also have found the condensate pump wired to the light switch under our home. They also would have found all of the other problems that their employees did wrong on the installation.

If they had inspected their employees work when they first installed the heat pump and duct work, they could have caught this faulty installation work and prevented our health, our home, and everything we had from being destroyed.

Tuck and Howell did not buy a permit to do the job at our home until a year after the heat pump system was installed. 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. They are supposed to do this.

This company has been in business for 44 years. They are a large company and they knew better than to send a couple of young men to our home that did not know how to install a heat pump system and duct work correctly.

Tuck and Howell said they were not responsible for these problems. They said the Trane Company Manufactured the heat pump system that had the oxidation problem and it was their responsibility to take care of the problems.

Tuck and Howell said that the Trane Company would furnish the replacement coils and their employees would install them. They said that this was all they were going to do.

**These coils were still under warranty. We have a 10 year warranty ourselves.

Glenn Bell, the Trane representative, said that the Trane Company furnished the replacement coils and this is all they were going to do.

Tuck and Howell and the Trane Company went back and forth about who was responsible for all of the damage. Neither one of them will take responsibility for these damages.

Please see page 14 of Mr. Tuck's deposition.

Jerry Tuck said in his deposition on page 14 that rather than the manufacturer preventing this in the manufacturing by furnishing coated coils, they take their chances by furnishing the coated coils when the problem occurs.

Mr. Tuck said that they were given a warranty by the Trane Company to replace the uncoated coils with coated coils when this problem happens.

We also have an extra 10 year warranty on all parts ourselves.

We don't know which warranty the Trane Company used to replace the coils. We don't know if they used the warranty they had given Tuck and Howell or if they used the warranty we have.

They only replaced the coils in the heat pump system that had the oxidation problem. They did not put in a new heat pump system.

All these toxins that were in the heat pump system that oxidized off the coils were still in the heat pump system, duct work, and throughout our home when they installed the replacement coils. They are still in the replacement coils, duct work, and throughout our home.

They did not search until they found where the water was coming from before they installed the replacement coils. The water continued to back up on the replacement coils also. They did not clean this poison out of the heat pump system, duct work, or throughout our home before installing the replacement coils. They installed the replacement coils with all these toxins still in everything in our home.

After Tuck and Howell employees installed the replacement coils, they told us to put three or four layers of cheese cloth on our heat registers, turn the air on, and the fan would blow the aluminum oxide powder out of the duct work and the cheese cloth would catch it. This did not work and we made them aware of this. We were being told that the aluminum oxide wasn't harmful.

Mr. Tuck sent J.P. McConnell out to our home to brush the powder off the coils to get a sample for him to have tested. He told him to also take an 8 ft piece of duct work out so he could see how bad the dust powder was in the duct work. This was after they changed the coils and also after they installed the replacement coils.

We called Mr. Tuck back two weeks later and asked him for a copy of the test results on the sample of the powder dust that he tested.

Mr. Tuck said that he did not have it tested. We believe that he did have it tested and he would not give us the results. He knew there were a lot of other problems we had not found out about and he wasn't going to let us see the test results.

I told Mr. McConnell that I was going to call someone in myself to vacuum this mess out of the heat pump and duct work. I asked Mr. McConnell who I should send the bill to at Tuck and Howell Company. Mr. McConnell called Jerry Tuck and told him what I said I was going to do.

Mr. Tuck told Mr. McConnell to tell me that he has someone who does this type of work for him and that he would call them to come try to vacuum the heat pump and duct work out.

Tuck and Howell had already told us that they had installed the replacement coils and this is all they were going to do. Mr. Tuck would not have the heat pump and duct work vacuumed until Mr. McConnell told him I was going to have it done by someone else and send him the bill. He then said that he would call someone.

Mr. Tuck knew that when I called someone out to try to vacuum the aluminum oxide out of the heat pump and duct work they would find the water, mold, and bacteria that they were hiding from us. He called someone he knew to vacuum the heat pump and duct work out.

He called Steamatic of Greenville. They went right along with Tuck and Howell's cover up. Steamatic did not tell us about the water, mold, and bacteria in the heat pump system and duct work. We found this out later on.

We only knew about the aluminum oxide powder dust and odors in our home. We had not found out about the water, mold, and bacteria. They were still hiding this from us.

We just thought Steamatic of Greenville was coming to try to vacuum the aluminum powder dust out of the heat pump and duct work. We had not found out at this time that the aluminum oxide is heavy metal powder.

We don't know if Mr. Tuck told them what all was in the heat pump system and duct work before they came to our home. They only mentioned the aluminum oxide and the odors to us.

We only mentioned the aluminum oxide and the odors to Steamatic of Greenville because this is all we knew about at the time. We had not yet found out about the water, mold, and bacteria.

- **October, 2005** – Tuck and Howell called Steamatic of Greenville to come to our home and try to vacuum the Aluminum Oxide out of the heat pump system and duct work. This did not work. The powder dust was blowing from the duct work just as bad as ever. We found out later on by looking over Steamatic's work order bill that while they were there to try to vacuum the aluminum oxide out of the heat pump and duct work, they found water, extracted water, and found mold. They did a microban treatment to try and kill the mold, the metallic odor, and the stinky sock syndrome odors. They did this mold treatment without our knowledge and while we were in our home breathing this. They were trying to hide the mold problems from us. Tuck and Howell paid them to do this treatment. When this happened, we had only found out about the aluminum oxide and odors. We had not found out about the water, mold, bacteria, or the mold treatment. Please see Steamatic's work order and bill. Steamatic did not get this mess out of the heat pump system and duct work. It was blowing from the duct work just as bad as ever. Steamatic poisoned us with the microban treatment.
- **November, 2005** – Just weeks after Steamatic was at our home, we called James Kellett with JAK Enterprises, LLC to come out and do some testing to see how bad the air was from the aluminum oxide. When the test results came back, it showed that there was also mold coming from the duct work. Mr. Kellett called Scott Cooper with Tuck and Howell and Glenn Bell, the Trane representative, and asked them if they would meet him at our home so they could check the heat pump system and try to find out what had caused the aluminum oxide and the mold. They would not meet him at our home. They

said that they did all they were going to do. Tuck and Howell and Glenn Bell already knew there was water and mold in the heat pump and duct work before Mr. Kellett called them and told them that the testing he did showed mold coming from the duct work. This is the reason they would not meet him at our home. They already knew about the mold. Tuck and Howell, their employees, and Glenn Bell (the Trane representative) were all telling us that the aluminum oxide was not harmful. Mr. Kellett would not open the heat pump system himself to check and see what was causing the problems. He did not want to interfere with our warranty. We found out much later by looking over Steamatic's work order and bill that they had already found the mold while they were vacuuming the heat pump system and duct work for the aluminum oxide. They also did a microban treatment to try to kill the mold and terrible odors. This is the reason they did not want to meet Mr. Kellett at our home to help him try to find out what caused the aluminum oxide and mold. A few weeks before, they had already found water, extracted water, found mold, and treated the mold. They had already treated the mold before Mr. Kellett did the testing and found the mold. They had also tried to vacuum the mold and aluminum oxide out of the heat pump system and duct work before Mr. Kellett did the testing. He still found mold coming from the duct work after they had vacuumed a lot of it out and also did the mold treatment. Please see James Kellett's (with JAK Enterprises) report.

I am repeating myself here a little bit, but I want you to see the full picture of what happened at our home in October 2005, November 2005, December 2005, and January 2006.

- October, 2005 is when we returned home from vacation and found aluminum oxide powder dust piled up in front of our heat register and throughout our home. We also had two very bad odors in our home. We only found out about the aluminum oxide powder dust and the odors at this time.

There was also water, mold, and a lot of bacteria in the heat pump system, duct work, and through our home. We did not find this out at the time. They were hiding this from us. We only found out what we could see and smell inside our home at this time. We could not see the mold spores inside our home. These mold spores were mixed in with the aluminum oxide powder dust.

- The water, mold, and bacteria were inside the heat pump system and duct work underneath our home. The fan was blowing the mold spores, bacteria, aluminum oxide powder dust (heavy metals), and the terrible odors inside our home.

We found out that the silver/white powder dust was aluminum oxide a few days after we found it throughout our home. We also found out at the same time that one of the

odors was stinky sock syndrome. It was caused by bacteria. The aluminum oxidation problem and the stinky sock syndrome odors are connected. We found out later on that the other odor was a metallic odor that came from the metals oxidizing off of the coils and burning on the coils. We had not found out at this time that the aluminum oxide was heavy metal powder.

- **November, 2004** is when Tuck and Howell's employees were installing the new heat pump system and duct work. They wired the condensate pump to the light switch under our home. When the light was turned off, the condensate pump was off also. Therefore, the water was not being pumped to the outside of our home. The water was backing up in the system for over a year. This is what caused us to lose our health, our home, and most everything we had.
- **October, 2005** is also when Tuck and Howell employees removed the coils that had the oxidation problem and installed the replacement coils. They did not install the coils correctly. They made holes in the replacement coils while they were installing them. This caused the refrigerant to leak out onto the coils and burn off three different times in a three month period. The refrigerant leaked out and burned off the coils **October 2005, November 2005, and December 2005.**

This was burning on the coils with all the other toxins that were still in our home. There was aluminum oxide (metals), bacteria, mold, microban treatment, water, and the refrigerant were all burning on the coils at the same time.

The water backing up onto the coils and the refrigerant leaking were feeding all these toxins. This was putting off a very toxic odor.

They poisoned us over and over again with the refrigerant leaking out and burning off of the coils for three months. The fan was blowing this inside our home.

- They did not replace the heat pump system that had the oxidation problem. They only replaced the coils.
- All these poisons were still in the heat pump system and duct work when they installed the replacement coils.

Please see these medical records for 2005.

- Please see these notes on what was going on with our health.

- Problems in **October 2005, November 2005, and December 2005, and January 2006.**
- This is very important because you will understand more clearly what was causing all these severe health problems when I was going to Dr. Brunson on **October 21st, 2005, November 1st, 2005, December 2nd, 2005, and January 9th, 2006.** All of these office visits were for the same health problems.

These are the same three months that our health problems got more serious.

These are also the same three months that we were being poisoned more.

October, 2005 is when Steamatic of Greenville poisoned us with the microban treatment without our knowledge, while we were in our home breathing this.

October, November, and December 2005 is when Tuck and Howell poisoned us over and over again with the refrigerant leaking out onto the coils and burning with all of the other toxins that were still on the coils. The fan was blowing all of this inside our home and our bodies.

****We left our home the last of December, 2005.**

This was in 2006

- January 13, 2006 – We called Tuck and Howell again. We had gotten another electric bill that had doubled. This happened three months in a row from the refrigerant leaking out. They said that they would send someone out on January 17th, 2006.
- January 16th, 2006 – We called our electric company to come out and see why our electric bills were so high. We told them that we had a new heat pump and duct work put in our home earlier and that we had been having a lot of problems with this new heat pump system. We told them about the refrigerant leaking out for three months in a row.
- The electric company said that this was what was causing the high electric bill.
- This is when we found out what was causing the electric bills to be so high for three months.
- Also on January 16th, 2006 – Two weeks after we left our home, we called General Heating and Air out of Greenville, SC. We called and told them about all of the problems that we were having with this new heat pump system and duct work. We asked them if they would please come out and do an inspection on all the installation work, duct work, and the heat pump system. We asked them to inspect everything from one end to the other and try to find out why we were having all of these problems with this new heat pump system and duct work. They found several things wrong with the installation of the heat pump system and also the duct work. What they found was the following: the condensate pump was wired to the light switch under our home so when the light under our home was off, so was the condensate pump. This caused the pump to not work. The water backed up in the air handler and filled the supply plenum with water. They also found the dip switch on the fan to be set for a 3 ½ tons of air on a 3 ton system. They had to add 1 ½ lbs of R.410 refrigerant to the system per manufacturers recommendation. We had already called Tuck and Howell out three different times in a three month period for refrigerant problems. The safety switch on the condensate pump was not tied in to stop the outdoor unit in case of pump failure. Secondly, there is exposed wood inside the return, as well as air leaks that are allowing dirt to enter the system. They found the return to be undersized and not to be internally lined. There was duct work that wasn't

sealed causing dirt to be pulled into the system. The water backing up in the system for a year is what caused these problems in our home. We had to call General Heating and Air out to find out what was causing all of these problems with the new heat pump system and duct work that Tuck and Howell installed in our home.

- It was October 14th, 2005 when we returned home and found the metal powder piled up in front of our heat registers and all over our home. This is when we called Tuck and Howell concerning the problems. Three more months of everything getting worse by the day with more poisons being put in our home and our bodies. We left our home to keep from being poisoned furthermore. Also, we left our home to fight to regain our health and try to save our lives and continue to try and save our home. We were having severe health problems.
- On January 16th, 2006 we called General Heating and Air out. This is when we finally found out what had caused all of these problems that destroyed our health, our home, and everything we had.
- On January 17th, 2006 Tuck and Howell send Jesse out to our home concerning another high electric bill that I had called them about on January 13th, 2006.
- I told Jesse that Tuck and Howell was saying that they were not responsible for the damages to our home and to our health. I told him that they were saying the Trane Company was responsible for all of these problems because they manufactured the heat pump system that had the oxidation problem. Neither of them will take the responsibility for what they both have done to us.
- They are both guilty of destroying our lives in about every way possible.
- I told Jesse that after going back and forth, back and forth, over and over again with Tuck and Howell about who is responsible for these problems and everything getting worse by the day, month after month, that nothing was being done. I told him that nobody will take responsibility for all of these problems.
- We had to try to get someone else to try to find out what was causing all of these problems.

- **January 16th, 2006** – We called another company out. We called General Heating and Air out to try to help us find out what was causing all of the problems with this new heat pump system and duct work.
- I gave Jesse the report from General Heating and Air that listed the problems they found wrong with the installation of the new heat pump system and duct work that Tuck and Howell installed at our home.

I had already told him that they found several things wrong with the installation of the heat pump system and duct work. I told him that the biggest and most serious problem that they found was that the condensate pump was wired to the light switch under our home, causing the condensate pump to be off when the light switch was off. This caused the pump not to work. The water backed up in the heat pump system for over a year.

I also read to him the list of other problems that they found wrong with the installation of the heat pump and duct work. I gave him the report from the General Heating and Air and told him that he may want to read it for himself.

He said that he would go back to the office and give Tuck and Howell this information on what General Heating and Air had found wrong with the installation of the heat pump system and duct work. I asked Jesse to make sure that he told Scott Cooper, Mr. Tuck, and Mr. Howell what General Heating and Air had found wrong with the installation of the heat pump system and duct work that Tuck and Howell installed in our home.

He said that he would tell them. He also told me that he would ask Mr. Tuck to give us a call concerning this.

- **January 16th, 2006**- We called General Heating and Air out. This is when we found out what caused all of the problems at our home.
- **January 17th, 2006**- We told Tuck and Howell that General Heating and Air had found out what caused all of the damages to our home and our health.
- **January 30th, 2006**- About two weeks had gone by and we had not heard a word from Mr. Tuck or Mr. Howell.

I called Scott Cooper and asked him if Jessie had told Mr. Tuck, Mr. Howell, and himself that General Heating and Air had found out what was causing all of these problems with the heat pump system and duct work. He said that Jessie had told them.

I told Mr. Cooper that we had finally found out what was causing all of the problems that destroyed our health, our home, and most everything that we had. These damages were caused by Tuck and Howell's faulty installation while they were installing the new heat pump system, duct work, and also their faulty installation while installing the replacement coils.

I told Mr. Cooper that we hadn't heard anything from Mr. Tuck or Mr. Howell since we told them that General Heating and Air had found the problems that caused all of these damages.

Mr. Cooper said that he would speak with Mr. Tuck concerning this and he would give us a call later.

They still would not take responsibility for what they had done.

Mr. Tuck called later that afternoon and left a message on our machine saying that he and Mr. Howell wanted to have a meeting with us.

- **January 31st, 2006** – We met Mr. Tuck and Mr. Howell at our home. We had left our home a month earlier because of severe health problems.

We went over the records on what has happened at our home. We gave them all these records including General Heating and Air's report on all the things they found wrong with the installation on the new heat pump system and duct work. We asked them to read over them for themselves.

We said to them, "After months of you putting all of the blame on the Trane Company, we found out that it was your company's faulty installation while installing the heat pump system, duct work, and also the faulty installation while installing the replacement coils that caused all the damages." They did read these records.

We told Mr. Tuck and Mr. Howell that we needed to get an environmental company to come in and tell us whether or not these poisons could be cleaned from our home.

We also told them that we had been having severe health problems ever since we had the new heat pump system and duct work put in and that we knew there was a connection between these health problems and the toxins that they had put in our home and our bodies.

Their demeanor changed when we mentioned getting an environmental company to come in and tell us whether or not the poisons could be cleaned from our home. We told them that we would get back with them as soon as we could get in touch with someone from an environmental company.

We called them back nine days later and told them that we hadn't gotten anyone out yet. Mr. Tuck asked me if we had gotten a letter from them and I told him that we had not. He said that they had sent a letter the day before telling us what they were willing to do. He told us that we should receive it that day. (The day that I spoke with Mr. Tuck)

We received the letter from them the same day that I spoke with Mr. Tuck on the phone. The letter is dated **February 8th, 2006**. This letter was sent to us 8 days after we had the meeting with Mr. Tuck and Mr. Howell at our home, which was the day that we told them General Heating and air had found the problems that caused all the damages that destroyed our health, our home, and most everything in it. This was the meeting where we told them that the damages were caused by Tuck and Howell's faulty installation of the heat pump system, duct work, and also the faulty installation of the replacement coils. We also asked them to get an environmental company to come in and tell us whether or not the toxins could be cleaned from our home.

Our home is contaminated with all these different toxins. We had to leave our home because of severe health problems.

The letter that Tuck and Howell sent us stated that they were only willing to replace the duct work and pay us back \$221.60 for what we paid General Heating and Air to come out and help us find out what was causing the problems with the heat pump system and duct work. It also stated that they would pay back half of the electric bills for November, December, and January because of high electric bills caused from the refrigerant leaking out for three months in a row and burning off the replacement coils.

They made it very clear that they were not going to take care of the problems that they had caused. After we received the letter from them, we went to talk with an attorney and went ahead and filed a lawsuit.

Six months later, Jerry Tuck sent us another letter dated August 23rd, 2006. It said, "I wanted to follow up on your decision regarding our offer dated February 8th, 2006. I am enclosing a copy of the letter. I look forward to hearing from you soon." They were saying the same thing that they said six months earlier.

I have sat in on most of the depositions over the years. I was not able to make it to two of these depositions. I have gotten a copy of all the depositions throughout these years.

I sat in on Jerry Tuck's deposition in January, 2011. This was the first time that that I had seen him since we had the meeting with he and Mr. Howell at our home on January 31st, 2006. The last time that I had spoken with Mr. Tuck was nine days after we had the meeting with them at our home. It was February 9th, 2006 when we spoke on the phone about what they were going to do. Mr. Tuck said that they had sent us a letter the day before telling us what they were willing to do. We received the letter from them the same day that I spoke with him on February 9th, 2006.

Please see Mr. Tuck's letter to us telling us what they were willing to do. This letter is dated February 8th, 2006.

All these years, they continued to stick to what they said they were willing to do in the letter they sent us dated February 8th, 2006.

They never made another offer until we went for a mediation meeting. The court ordered a mediation meeting to try to settle this without going to trial.

We had the mediation meeting on October 21st, 2011. They only offered us 15,000 to settle the lawsuit. They said that this was all they were going to do.

After the mediation, we did not hear from Tuck and Howell in any way until we went to court for our trial on September 16th, 2013.