

Audience Handout Package

Engineering Expert Reports or Testimony for Impact Claims 9/10/2026

Your project is safe in our hands.



Pete Fowler
CONSTRUCTION
Consultants

DATE

7/17/2026

GENERAL INFO

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Pete Fowler
CONSTRUCTION
Services, Inc.

Project #26-0703



Date: 07/17/2026
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From: Pete Fowler Construction Services, Inc.
Project: Engineering Expert Reports or Testimony for Impact Claims 9/10/2026 (PFCS 26-0703)
Regarding: Audience Handout Package

Meet the Panel

Pete Patterson

BUILDING EXPERT AT PETE FOWLER CONSTRUCTION CONSULTANTS

Pete Patterson has over 50 years of building experience as a carpenter, superintendent, construction manager, building designer, general contractor, custom homebuilder, and expert building consultant. Having worked in or managed all aspects of construction - from land selection, architectural design, and general contracting of highly-complex, super-custom residential and commercial projects, Pete is a respected expert in design and construction. Proficient in building codes, mechanical, electrical, and plumbing trades, cost estimating and building inspection, Pete's experience runs the gamut from detailed design projects and hands-on building, to high-level consulting. Pete's career accomplishments include design, consulting, and general contracting of super-custom homes from California to Maine, and penthouses from Las Vegas to Honolulu - satisfying the most discerning clients on high-stakes projects.

Daniel Kass

PRINCIPAL AT DELVE UNDERGROUND

Mr. Kass has 47 years of experience in the construction industry, more than 40 years of which he has spent analyzing construction performance problems related to construction contract disputes.



Charlene Podlipna

VP & CFO AT FREEMAN & MILLS

Charlene Podlipna is a Certified Public Accountant and has provided litigation support services for over seventeen years, working with counsel in civil litigation, arbitration and mediation.

Ms. Podlipna has experience with matters in the following areas: damages associated with breach of contract, business interruption or breach of fiduciary duty claims; damages related to the misappropriation of trade secrets and trademark and copyright infringement; lost earnings; securities litigation; professional malpractice claims; fraud investigations; false advertising litigation; and the application of generally accepted accounting principles. She has testified at trial and in deposition.

Prior to joining Freeman & Mills, Ms. Podlipna was a consultant at Resources Global Professionals where she worked on various accounting engagements, including financial statement audits and reviews of internal controls. Prior to Resources Global, Ms. Podlipna was a senior consultant at CCH Incorporated, where she assisted CPA firms with the implementation of auditing software. Prior to CCH, she provided litigation consulting services at Gursey, Schneider & Co., LLP and performed financial statement audits at Arthur Andersen LLP, generally for clients in the healthcare and manufacturing industries.

Greg Bergman

SHAREHOLDER AT BDG LAW GROUP

GREGORY M. BERGMAN entered the practice of law in 1975. Mr. Bergman engages in complex trials and appeals in the areas of construction, employment discrimination, environmental, business, real property, commercial, computer, professional liability, securities and insurance litigation. Mr. Bergman has tried numerous cases to the court and jury in all levels of the State and the Federal Court systems in California. Mr. Bergman represents the Los Angeles Unified School District, the City and County of Los Angeles, the Los Angeles Police Department, the Metropolitan Water District, and other public entities, along with individuals and corporations.

Mr. Bergman is admitted to practice before all State Courts, all Federal Courts in California, the United States Supreme Court, and the Court of Claims. Mr. Bergman is a member of the Association of Business Trial Lawyers and various State, Federal and local bar associations. Mr. Bergman has served as a Judge Pro Tem and an Arbitrator for the Los Angeles Superior Court.

Mr. Bergman received his Bachelor of Arts Degree from the University of California, Los Angeles and his Juris Doctor from Southwestern University School of Law. Mr. Bergman writes and lectures on various issues, including trial preparation, use of experts, misuse of electronic media, insurance, risk management, professional liability, use of temporary workers, and preparing clients and lawyers for trial.



Eugene Ashley

SHAREHOLDER AT HOGE GENTON

Eugene (Geno) Ashley is a member of the Business Litigation, Real Estate, and Construction practice groups. Geno has built his career counseling and advocating on behalf of his business clients in significant matters. As a veteran trial lawyer, he has handled “bet the company” lawsuits with multi-million-dollar outcomes, as well as actions arising from contracts and business torts, unfair business practices and trade secrets claims, construction and real estate disputes, and employment law litigation.

Geno represents public and privately held corporations, businesses, and individuals with intellectual property litigation and counseling, as well as general business and real estate litigation such as mechanic’s liens. He has extensive experience in all facets of litigation, including trial. Geno has chaired numerous bench and jury trials, in addition to helping to guide clients through arbitration and settlements.



Engineering Expert Reports or Testimony for Impact Claims that are Defensible, Reliable, and Compliant



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Pete Fowler
CONSTRUCTION
Services, Inc.

INTRODUCTION

Construction litigation is inherently complex, relying on expert witnesses to bridge the critical gap between technical project facts and legal arguments. Designed for attorneys and insurance professionals, this program addresses the vital role experts play in surviving procedural challenges and proving defect or delay claims. Our multidisciplinary panel featuring veteran building consultants, a forensic accountant, and seasoned trial attorneys brings decades of firsthand experience to help effectively deploy experts without risking case dismissal due to technicalities.

Addressing the complete lifecycle of expert witness engagement, including strategic selection and vetting and sticking with industry standards like AACE 29R-03 and ASTM E620-18 to withstand strict Daubert scrutiny. We will also examine the role of the economic damages expert, how to strategically leverage non-testifying consulting experts to shape pre-trial discovery, and best practices for preparing experts to deliver compelling, jargon-free testimony at deposition and trial.

PROGRAM OUTLINE

1. Introduction
2. Selection & Vetting of Experts
3. Establishing Reliable Methodology
4. The Role of the Economic Damages Expert
5. Pre-Trial Strategy & Depositions
6. Trial Testimony & Cross Examination
7. Conclusion

LEARNING OBJECTIVES

- Identify and properly vet the right construction expert for your specific case by spotting "advocacy" red flags during initial consultations and prioritizing methodological reliability over mere credentials to survive Daubert challenges.
- Apply transparent industry methodologies (such as AACE 29R-03 for delay claims, the "Measured Mile" for disruption, and ASTM E620-18 for reporting) to successfully bridge the analytical gap between raw project facts and legally admissible conclusions.
- Integrate the roles of engineering and economic damages experts to ensure technical inputs logically feed into a cohesive damages model, while preserving out-of-pocket and carrying costs even if technical experts are excluded.
- Deploy non-testifying consulting experts strategically to shape targeted discovery requests, draft high-leverage deposition questions, and pressure-test your case theory before making formal Rule 26 disclosures.
- Navigate high-stakes depositions and trial testimony by helping your expert cultivate a "personable teacher" persona, while learning how to cross-examine opposing experts by exposing bias and highlighting their departures from recognized industry standards.

PROGRAM CONTENTS

1. Introduction – 10 Minutes
 - A. Who We Are
 - B. Presenter Information
 - C. Program Outline
 - D. Learning Objectives
2. Selection & Vetting of Experts – 15 Minutes
 - A. Identifying the correct type of construction expert
 - B. Key questions for the initial consultation
 - C. Spotting red flags and advocacy language
 - D. Daubert standard qualifications and reliability
 - E. Practical conflict checks and retention tips
3. Establishing Reliable Methodology – 25 Minutes
 - A. Separating factual data from expert interpretations
 - B. Avoiding the "black box" unsupported opinion
 - C. Validating delay claims using AACE 29R-03
 - D. Proving disruption claims via the "Measured Mile"
 - E. Standardizing reports using ASTM E620-18
4. The Role of the Economic Damages Expert – 20 Minutes
 - A. Serving as a summary witness for the jury
 - B. Utilizing inputs from construction/engineering experts
 - C. Calculating distinct out-of-pocket and carrying costs
 - D. Surviving the exclusion of technical experts
5. Pre-Trial Strategy & Depositions – 20 Minutes
 - A. Navigating Rule 26 disclosures and report protections
 - B. Leveraging non-testifying consulting experts
 - C. Shaping targeted discovery and inspection requests
 - D. Best practices for deposition preparation
 - E. Avoiding procedural pitfalls and missed deadlines
6. Trial Testimony & Cross Examination – 20 Minutes
 - A. Projecting a "personable teacher" persona
 - B. Using the expert's own voice and avoiding legalese
 - C. Navigating hypotheticals and "red flag" questions
 - D. Exposing bias in opposing experts
 - E. Attacking opposing methodology using industry standards
 - F. Hypothetical: Handling late-stage expert challenges
 - G. Hypothetical: Addressing out-of-context deposition answers
 - H. Hypothetical: Adjusting to live juror reactions
7. Conclusion – 10 Minutes
 - A. Continuing Education
 - B. Backup Materials
 - C. Feedback

BACKUP MATERIALS

1. (Visual) [Your Construction Expert's "Opinion" is not Enough Anymore](#) by Daniel Kass
2. (Report) [Your Construction Expert's "Opinion" is not Enough Anymore](#) by Daniel Kass

Thursday, September 10th, 2026 @ 10:00AM PT

The logo for Pete Fowler Construction Consultants, featuring a stylized 'F' icon and the company name.

Engineering Expert Reports or Testimony for Impact Claims that are Defensible, Reliable, and Compliant

With Pete Patterson, Charlene Podlipna, Greg Bergman, Eugene Ashley, and Daniel Kass

A small version of the Pete Fowler Construction Consultants logo, featuring a stylized 'F' icon.



ABOUT US

Building Experts.

Helping Smart People
Make Smart Decisions



Construction Defects



Property Claims



Personal Injury Claims



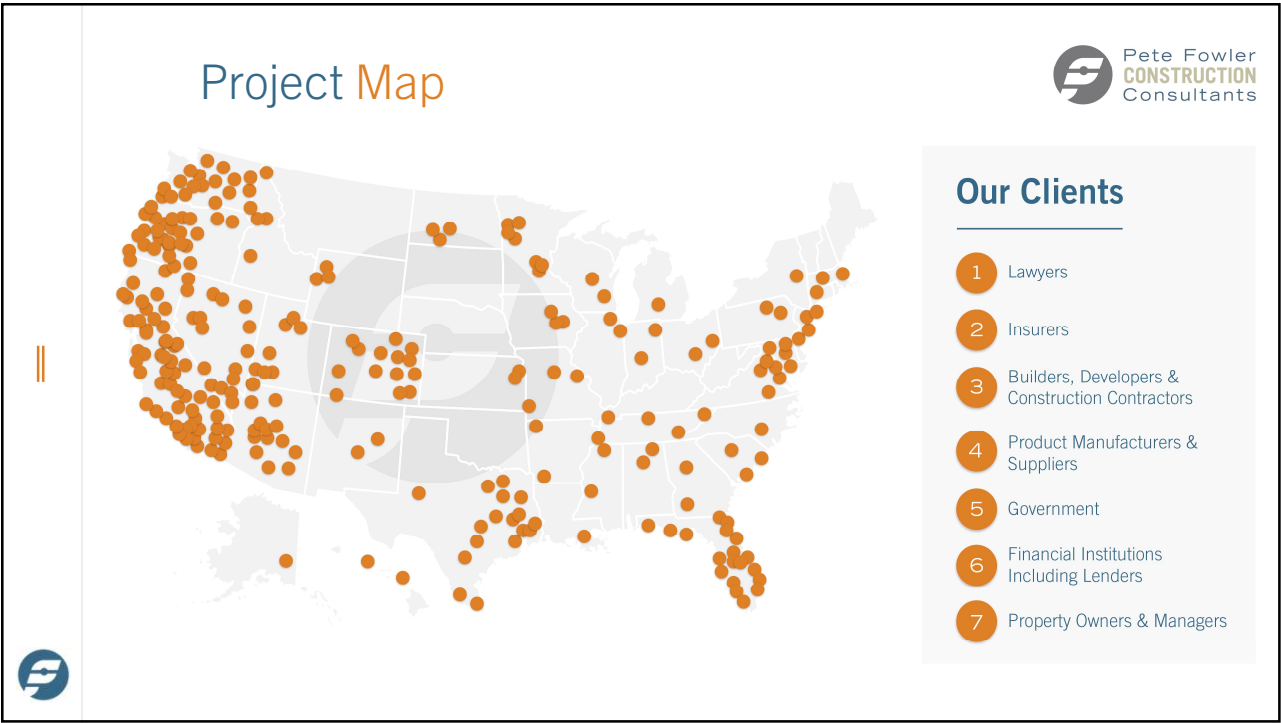
Contract Claims



Estimating, Quality & Construction Management



Fire Claims



Meet our Presenters



Pete Patterson

Building Expert
Pete Fowler Construction Consultants



Charlene Podlipna

Vice President & CFO
Freeman & Mills





Meet our Presenters



Greg Bergman
Shareholder
BDG Law Group



Eugene Ashley
Shareholder
Hoge Genton



Daniel Kass
Principal
Delve Underground





Outline

Engineering Expert Reports or Testimony for Impact Claims that are Defensible, Reliable, and Compliant

- Introduction
- Selection & Vetting of Experts
- Establishing Reliable Methodology
- The Role of the Economic Damages Expert
- Pre-Trial Strategy & Depositions
- Trial Testimony & Cross-Examination
- Conclusion