

1

CIVIL DISTRICT COURT
PARISH OF ORLEANS
STATE OF LOUISIANA

NO. 2020-02558 DIVISION "M" SECTION 13

CAJUN CONTI LLC, CAJUN CUISINE I LLC,
and CAJUN CUISINE LLC d/b/a/ OCEANA GRILL
VERSUS
CERTAIN UNDERWRITERS AT LLOYD'S, LONDON

Zoom Deposition of BRIAN FLINN,
Ph.D., P.E., taken on Wednesday, November 11,
2020, commencing at 1:09 p.m.

3

1 APPEARANCES:
2
3 Representing the Plaintiffs:
4 ALVENDIA KELLY & DEMAREST, LLC
5 Attorneys at Law
6 909 Poydras Street, Suite 1625
7 New Orleans, Louisiana 70112
8 BY: RODERICK "RICO" ALVENDIA, ESQ.
9 JENNIFER L. KUECHMANN, ESQ.
10
11 GAUTHIER MURPHY & HOUGHTALING, LLC
12 Attorneys at Law
13 3500 N. Hullen Street
14 Metairie, Louisiana 70002
15 BY: JENNIFER PEREZ, ESQ.
16
17 CHEHARDY SHERMAN & WILLIAMS
18 Attorneys at Law
19 1 Galleria Boulevard, Suite 1100
20 Metairie, Louisiana 70001
21 BY: MATTHEW A. SHERMAN, ESQ.
22
23 Reported by:
24 KAY E. DONNELLY
25 Certified Court Reporter
 State of Louisiana

2

I N D E X

	Page
1 Caption	1
2 Appearances	3
3 Agreement of Counsel	4
4 Examination	
5 RODERICK "RICO" ALVENDIA, ESQ.	5
6 * * * * *	
7 Witness' Certificate	44
8 Reporter's Page	45
9 Certificate	46
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	

4

1 APPEARANCES: (Cont.)
2
3 Representing the Defendant:
4 PHELPS DUNBAR, LLP
5 Attorneys at Law
6 400 Convention Street, Suite 1100
7 Baton Rouge, Louisiana 70802
8 BY: ALLEN C. MILLER, SR., ESQ.
9
10 Reported by:
11 KAY E. DONNELLY
12 Certified Court Reporter
13 State of Louisiana
14
15
16
17
18
19
20
21
22
23
24
25

5

1 S T I P U L A T I O N

2

3 It is stipulated and agreed by and among

4 counsel that the Zoom deposition of BRIAN FLINN,

5 Ph.D., P.E., is hereby being taken under the

6 Louisiana Code of Civil Procedure in accordance

7 with the Code.

8 The formalities of sealing and

9 certification are hereby waived. The witness

10 reserves the right to read and sign the

11 deposition. The party responsible for service

12 of the discovery material shall retain the

13 original.

14 All objections, save those as to the form

15 of the questions, are hereby reserved until such

16 time as this deposition, or any part thereof,

17 may be used or sought to be used in evidence,

18 and are to be made in accordance with the Code

19 of Civil Procedure.

20 * * * * *

21 KAY E. DONNELLY, Certified Court Reporter,

22 in and for the State of Louisiana, officiated in

23 administering the oath to the witness.

24

25

6

1 BRIAN FLINN, Ph.D., P.E.,

2 J.S. Held, 18372 Redmond Way, Redmond,

3 Washington, 98052, after having been first duly

4 sworn, testified on his oath as follows:

5 EXAMINATION BY MR. ALVENDIA:

6 Q. Good afternoon, Mr. Flinn.

7 A. Good afternoon.

8 Q. Yeah. My name is Rico Alvendia, and I

9 represent Oceana restaurant; actually, Cajun

10 Conti in this lawsuit.

11 Mr. Flinn, in -- you submitted an expert

12 report in this case; is that correct?

13 A. Yes.

14 Q. And you work -- you work with J.S. Held;

15 is that correct?

16 A. Yes.

17 Q. Okay. Let me ask you a question.

18 I saw in your report that you said if a

19 surface can be restored by cleaning, then it has

20 not been physically damaged, right? That is in

21 your report?

22 A. Yes, it is.

23 Q. Okay. Where do you get that definition

24 from?

25 A. You know, that is a practical, personal

7

1 definition based on my engineering knowledge.

2 Q. Okay. That is a good explanation. It's

3 practical and personal to you, and you alone?

4 A. I did not necessarily say that. Others

5 may also agree with that.

6 Q. They may also. But I'm saying for the

7 purposes of this report, that's -- in the

8 research and all the knowledge you have, that we

9 are going to get into in a minute, leads you to

10 that definition, right, that if the surface can

11 be restored by cleaning, then it has not been

12 physically damaged, correct?

13 A. Well, I think we need to look at what

14 the definition of physical damage is in --

15 Q. No, no. I --

16 A. -- order to determine --

17 Q. I --

18 A. -- that --

19 Q. I understand that. But would you agree

20 with me that in your report, as a preface to

21 other things that you put in there, which we're

22 going to get into that in a minute, but you

23 state specifically if the surface can be

24 restored by cleaning, then it has not been

25 physically damaged. Correct?

8

1 A. I believe that's a reasonable

2 engineering definition.

3 Q. Okay. Did someone tell you to put that

4 definition in there, other than yourself?

5 A. No, sir.

6 Q. That -- that sentence, I just said, no.

7 Okay. It -- because, you know, do you know who

8 Sara Raley is?

9 A. Well, it -- is that a person from J.S.

10 Held?

11 Q. Yes.

12 A. Yes.

13 Q. I'll give you that first hint, and

14 that's it. I'm not going to tell you anything

15 else.

16 A. Yes, I know her more as Sara. This is

17 the first time I've worked with her.

18 Q. What -- what do you mean worked with

19 her? You worked with her on this case?

20 A. Well, I read her report.

21 Q. Okay. So and -- and that is what --

22 it's curious to me because you know what her

23 definition of damages is?

24 A. I'd like to hear it.

25 Q. If a surface can be restored by

9

1 cleaning, then it has not been physically
 2 damaged. How -- is that just a coincidence that
 3 -- how does her report have the same definition
 4 as yours?
 5 MR. MILLER:
 6 Objection to the form of the
 7 question.
 8 THE WITNESS:
 9 I do not know. I did not draft her
 10 report.
 11 EXAMINATION BY MR. ALVENDIA:
 12 Q. Did she read your report you think
 13 before she finished hers or did you read --
 14 Let me ask you this: Did you read her
 15 report? You said, "I worked with her on this
 16 case." Did you read her report?
 17 A. I believe I read portions of her report,
 18 yes.
 19 Q. Okay. Do you think she read your
 20 report?
 21 A. I do not know.
 22 MR. MILLER:
 23 Objection. Calls for --
 24 EXAMINATION BY MR. ALVENDIA:
 25 Q. Did she ask you --

10

1 MR. MILLER:
 2 -- speculation.
 3 MR. ALVENDIA:
 4 -- to read -- to give her report --
 5 E-mail her your report?
 6 THE WITNESS:
 7 No, she did not.
 8 EXAMINATION BY MR. ALVENDIA:
 9 Q. Okay. So, once again, is that just a
 10 coincidence that her definition of: If the
 11 surface can be restored by cleaning, then it has
 12 not been physically damaged -- that is a pretty
 13 precise sentence there.
 14 And you said earlier, I got that from my
 15 -- my personal -- from my training, as an
 16 engineer and so forth. That is how I came up
 17 with that sentence?
 18 But Sara Raley, who is being offered as
 19 an expert cleaner and restorer -- that is a
 20 completely different area of expertise than you,
 21 you would agree with me on that, right?
 22 A. Generally, yeah. But I am sure there is
 23 some overlap there.
 24 Q. She's not an engineer.
 25 A. No, I don't believe she is an engineer.

11

1 Q. And I don't think she has a --
 2 A. But I'm also a scientist, not just an
 3 engineer.
 4 Q. Right. Right. Sure.
 5 Is she a scientist? Is Sara Raley a
 6 scientist?
 7 A. I haven't reviewed her CV to say whether
 8 she is or not, but --
 9 Q. But, again, I just want to point out --
 10 and we will come back to that later -- she has
 11 the definition of damages as you did. And I
 12 asked her that in her deposition, her sworn
 13 testimony.
 14 She said if a surface can be restored by
 15 cleaning -- she said it three times in her
 16 report, actually. And you said it I believe
 17 once or twice in yours, but we will get to that
 18 in a minute?
 19 So let's talk about Dr. Moye's
 20 definition of damages. You go into great
 21 criticism in your report of Dr. Moye, don't you?
 22 A. I go into criticisms of his report.
 23 Q. Yeah.
 24 A. I don't believe I attacked him,
 25 personally.

12

1 Q. No, that is not -- that is certainly not
 2 what I meant.
 3 A. Okay.
 4 Q. Let's -- he was deposed yesterday. Mr.
 5 Miller here -- I'm surprised Mr. Miller is still
 6 awake.
 7 He deposed him for over six hours last
 8 night. And I'm still suffering from that.
 9 MR. ALVENDIA:
 10 Off the Record.
 11 (Off-the-Record discussion held.)
 12 MR. ALVENDIA:
 13 Back on the Record.
 14 EXAMINATION BY MR. ALVENDIA:
 15 Q. Dr. Moye's definition of damages says,
 16 "Physical transformation that leads to the loss
 17 of use of property."
 18 A. I'm going to --
 19 Q. Did you --
 20 A. Can you show me -- can you show me that
 21 in his report?
 22 Q. Well, no. No. This is his sworn
 23 testimony he gave in his -- in his deposition.
 24 I just -- let's -- I'll -- we'll go over his
 25 definition in his report in just a minute, okay?

13

1 A. Okay.
 2 Q. But he said that physical transformation
 3 that leads to loss of use. Does that sound like
 4 a reasonable definition of damages?
 5 A. I disagree with that.
 6 MR. MILLER:
 7 Objection to the form.
 8 EXAMINATION BY MR. ALVENDIA:
 9 Q. Okay. And let me -- let me give you a
 10 little more context to his deposition.
 11 When he says a physical transformation,
 12 what he means is the property is contaminated.
 13 Contaminated with COVID virus in this situation.
 14 It makes it dangerous, transforms that
 15 property such that it leads to loss of use.
 16 Does that sound like a reasonable definition now
 17 that I have explained it some more --
 18 A. I'm here --
 19 Q. -- of damage?
 20 A. -- to talk about physical damage to
 21 surfaces. And I don't -- I'm a material
 22 scientist and engineer. I'm here to talk about
 23 the physics and the science of that.
 24 Q. I appreciate that. And I guess my point
 25 is this: You are going to give us your

14

1 definition in your area of expertise, correct?
 2 Correct?
 3 A. If so asked.
 4 Q. Yeah. Of what damage is, right?
 5 A. If so asked, yes.
 6 Q. And the master expert cleaner and
 7 restorer is going to give her definition of
 8 damages based on her area of expertise, correct?
 9 A. I am not going to opine on what she will
 10 or will not say.
 11 Q. Right. And Dr. Moye is going to give
 12 his definition of damages based on his years of
 13 experience, training, education, research
 14 analysis, just like you said earlier. Is that
 15 -- would you -- you think he's going to do that?
 16 A. Well, you told me he did do that under
 17 sworn testimony. So if I can rely on that, then
 18 I will.
 19 Q. Okay.
 20 A. I am not aware of his expertise in
 21 surface chemistry or material science or those
 22 areas.
 23 Q. So let's go on -- let's go on to his
 24 definition, if you don't mind. Let's test it
 25 with your expertise.

15

1 Let -- let's say it -- and let's say we
 2 use -- by the way let's use --
 3 MR. MILLER:
 4 I -- let me just interpose an
 5 objection, Rico, because we don't believe that
 6 his definition is valid, but consider -- subject
 7 to that --
 8 MR. ALVENDIA:
 9 I'm --
 10 MR. MILLER:
 11 -- objection, you can go --
 12 MR. ALVENDIA:
 13 No, I realize that.
 14 MR. MILLER:
 15 -- ahead and answer the question.
 16 MR. ALVENDIA:
 17 I -- I -- I appreciate your
 18 objection. And Flinn -- Dr. Flinn has already
 19 said that. And -- and Sara Raley the expert
 20 cleaner, restorer said that also. She doesn't
 21 believe that the def -- Dr. Moye's definition of
 22 damages is relevant either.
 23 EXAMINATION BY MR. ALVENDIA:
 24 Q. I understand that you are saying --
 25 look, and tell, correct me if I am wrong -- the

16

1 science says there is no chemical compositional
 2 transformation of any of the surfaces that
 3 coronavirus comes into contact with; is that
 4 correct?
 5 There is no molecular change. There is
 6 no chemical change according to you, right?
 7 A. I -- I think you're misstating what that
 8 is.
 9 That is not officially informative or
 10 descriptive of the interactions to describe the
 11 physical processes that may occur.
 12 Q. Okay. Well, answer this question: When
 13 coronavirus interacts with an inanimate object
 14 is there a molecular change to that inanimate
 15 object?
 16 A. Please -- what do you mean by molecular
 17 change?
 18 Q. Is there a chemical change?
 19 A. Is there a chemical reaction?
 20 Q. That's what I'm trying --
 21 A. Is there a change in --
 22 Q. -- to get to. Thank you.
 23 A. Okay.
 24 Q. See, Allen and I are struggling with
 25 this. He is -- he was an English major. I'm a

17

1 Political Science major. So bear with us here.
 2 So is there a chemical reaction when
 3 COVID comes in contact with a surface, an
 4 inanimate surface, inanimate object surface?
 5 A. As I sit here today, based on my
 6 knowledge and review of literature, I see no
 7 evidence that a virus causes a chemical reaction
 8 within inanimate object typically found in a
 9 restaurant or bar.
 10 Q. All right. And there is nothing I could
 11 do right now to convince with you to change your
 12 mind, is there?
 13 A. Show me some data. Show me a reference
 14 literature --
 15 Q. I'm not going to spend hours --
 16 A. -- report.
 17 Q. -- going through convince -- anything to
 18 try to change your mind on this.
 19 But this is what I want to ask you:
 20 Would you agree with me when COVID-19 lands on a
 21 table in a restaurant, for example, that the
 22 literature out there, at least the CDC and so
 23 forth, is that that table is now contaminated
 24 with a potential infectious agent? Would you
 25 agree with that?

18

1 MR. MILLER:
 2 Objection to the form of the
 3 question.
 4 THE WITNESS:
 5 You know, I'm not a virologist. And
 6 I'm not an epidemiologist.
 7 I'm here to talk about material
 8 science, the chemical reactions, the bonding
 9 that may occur; if there is any such bonding,
 10 what type of bonding that might be. So I'm
 11 not --
 12 MR. ALVENDIA:
 13 And --
 14 THE WITNESS:
 15 I'm not here to talk about whether
 16 something is infectious or not.
 17 EXAMINATION BY MR. ALVENDIA:
 18 Q. I appreciate your answer. And if you
 19 can just please try to answer my question. I
 20 know you're not an expert in virology.
 21 My question to you is this: Do you have
 22 the common knowledge that COVID-19, if it lands
 23 on surfaces, can potentially with the right
 24 amount of density cause you to get sick?
 25 A. I --

19

1 MR. MILLER:
 2 Objection to the form of the
 3 question. I think it's beyond the scope of his
 4 expertise, Rico. He's not here to --
 5 MR. ALVENDIA:
 6 I'm not --
 7 MR. MILLER:
 8 -- to give --
 9 MR. ALVENDIA:
 10 I'm just --
 11 MR. MILLER:
 12 -- that opinion.
 13 MR. ALVENDIA:
 14 I'm laying a foundation for some of
 15 his expertise questions, Allen. So, I'm allowed
 16 to do that.
 17 These are common sense questions.
 18 If he doesn't know to answer it, that is fine.
 19 He can testify to that.
 20 EXAMINATION BY MR. ALVENDIA:
 21 Q. Can COVID-19 virus get someone sick?
 22 Let's start with that.
 23 A. Based on common knowledge, I would say
 24 yes.
 25 Q. Okay. Thank you.

20

1 To your common knowledge, does COVID-19
 2 in the air, can that get somebody sick
 3 potentially? Common knowledge.
 4 A. Potentially, if they breathe that in,
 5 then, yes, I believe there is a chance they
 6 could get sick.
 7 Q. Okay. Same question. Based on your
 8 common knowledge. Just like us in here,
 9 everybody here, none of us is a virologist.
 10 Common knowledge. Common sense question.
 11 Based on what you've heard and seen and
 12 read over the past nine months, can COVID-19
 13 potentially get somebody sick from it being on a
 14 surface?
 15 A. That -- I do not know. I have not --
 16 Q. You don't know that?
 17 A. -- heard of any -- I have not heard of
 18 confirmed cases of a COVID infection from a
 19 fomite surface.
 20 Q. Okay. Do you clean your hands regularly
 21 since the pandemic has started?
 22 A. I've always cleaned my hands regularly.
 23 Yes.
 24 Q. Okay. When you go out in public -- when
 25 you, Brain Flinn, go out in public and touch

21

1 surfaces, do you clean your hands with
 2 disinfectant at all?
 3 A. Occasionally, yeah.
 4 Q. Occasionally. Do you do it in response
 5 to the pandemic?
 6 A. I said, I've always cleaned my hands --
 7 Q. So your --
 8 A. -- but I --
 9 Q. -- testimony is -- wait.
 10 Your testimony under oath right now is
 11 that since the pandemic has started, you have
 12 not started sanitizing your hands when you're
 13 out in public touching different things at a
 14 higher frequency than you did before? That is
 15 your sworn testimony under --
 16 MR. MILLER:
 17 Objection to the form --
 18 MR. ALVENDIA:
 19 -- oath right now?
 20 MR. MILLER:
 21 Objection to the form question,
 22 Rico.
 23 EXAMINATION BY MR. ALVENDIA:
 24 Q. Are -- are you sanitizing your hands
 25 with a higher frequency now than before the

22

1 pandemic started?
 2 A. Yes, I am.
 3 Q. Why?
 4 A. For a variety of reasons. I have become
 5 more aware of the need to sanitize surfaces for
 6 a variety of different reasons.
 7 Q. Including, COVID-19 infection?
 8 A. Sure. Including that. Including --
 9 Q. Thank you.
 10 A. -- the flu. Including salmonella. I --
 11 Q. Okay.
 12 A. You know, I think we've all learned a
 13 lot about infectious diseases a little bit more
 14 than we --
 15 Q. All right. And so --
 16 A. -- we -- you know, we had wanted to.
 17 Q. But let me ask you this question: So
 18 you're sanitizing your hands now because of
 19 COVID-19, one of the reasons. Are the surfaces
 20 that you touch, have they been transformed or
 21 physically damaged the way you define it in your
 22 report?
 23 A. No, they have not.
 24 Q. They don't have to, do they?
 25 A. They're not damaged --

23

1 Q. They don't have to be. Your common
 2 sense tells you they don't have to be for you to
 3 get infected, and that is why you're cleaning
 4 your hands and using sanitizer more now since
 5 the pandemic started, isn't it?
 6 MR. MILLER:
 7 Objection. That's not what his
 8 testimony was.
 9 MR. ALVENDIA:
 10 Well, clarify it. Am I right or
 11 wrong?
 12 THE WITNESS:
 13 I'm sorry. This has gone a little
 14 bit circular. Can you repeat your question?
 15 EXAMINATION BY MR. ALVENDIA:
 16 Q. After you touch an object -- you
 17 testified earlier since the pandemic began you
 18 have -- you have become -- you have begun
 19 sanitizing your hands more often than you did
 20 before, particularly when you touch surfaces and
 21 one of the reasons was because of COVID-19,
 22 correct?
 23 A. Yes.
 24 MR. MILLER:
 25 Objection to the form of the

24

1 question.
 2 MR. ALVENDIA:
 3 Yes. Thank you. The answer is yes.
 4 EXAMINATION BY MR. ALVENDIA:
 5 Q. And my question was: Did those objects
 6 you touched that made you think, "Let me
 7 sanitize my hands," were they changed or were
 8 they damaged in the way that you define in your
 9 report?
 10 MR. MILLER:
 11 Same objection. Asked --
 12 MR. ALVENDIA:
 13 No, it's not. You --
 14 MR. MILLER:
 15 -- and answered.
 16 MR. ALVENDIA:
 17 -- you -- you -- no, you didn't let
 18 him answer last time. Please answer that
 19 question.
 20 THE WITNESS:
 21 I -- in terms of physical damage,
 22 which is the, you know, undesirable measurable
 23 change in physical properties or structure of an
 24 object not related to normal or expected use --
 25 for example, I don't consider wear and tear

25

1 damage.
 2 MR. ALVENDIA:
 3 You've given me a definition of
 4 damage. That's not responsive to my question.
 5 My question was simple.
 6 MR. MILLER:
 7 Well, let him finish. Let him
 8 finish. He wasn't finished.
 9 MR. ALVENDIA:
 10 Okay.
 11 THE WITNESS:
 12 I agree I was not finished.
 13 EXAMINATION BY MR. ALVENDIA:
 14 Q. Okay.
 15 A. So you asked me if it was damaged.
 16 Well --
 17 Q. Right.
 18 A. -- okay. I have to tell you what damage
 19 means before I can answer that question.
 20 Q. Okay.
 21 A. All right. So based on that, no.
 22 Q. No?
 23 A. I --
 24 Q. No.
 25 A. Based on that, no.

26

1 Q. It wasn't, but you still sanitize your
 2 hands because of COVID-19 whether there was this
 3 long scientific definition of damage you just
 4 gave me; you still cleaned your hands?
 5 A. Out of an --
 6 MR. MILLER:
 7 Rico, is --
 8 THE WITNESS:
 9 -- abundance --
 10 MR. MILLER:
 11 -- this deposition going to be about
 12 clean -- him cleaning his hands?
 13 MR. ALVENDIA:
 14 Allen, let --
 15 MR. MILLER:
 16 I mean, is this --
 17 MR. ALVENDIA:
 18 Allen, if you don't mind, let me ask
 19 some questions in the way I want to and cross
 20 examine this witness the way I want to, okay?
 21 You don't have to be in my mind and
 22 understand where I'm going with this. I promise
 23 you.
 24 MR. MILLER:
 25 All right. Go ahead. Just trying

27

1 to help out.
 2 MR. ALVENDIA:
 3 No, you are not helping. You are
 4 not helping.
 5 EXAMINATION BY MR. ALVENDIA:
 6 Q. Do you understand that Dr. Moye's report
 7 -- in his report, he says that the virus is in
 8 the air and causes continuing contamination on
 9 surfaces in Oceana's restaurant. Did you read
 10 that?
 11 A. I may recall something like that. If
 12 you have a specific passage you want me to
 13 review, I would be happy to, but I remember
 14 something to that.
 15 Q. Yeah.
 16 A. Do you have a specific --
 17 Q. Okay. Paragraph 73, he said, "While
 18 this effort of attempting to clean the
 19 environment, the surfaces" -- that we are going
 20 to be talking about in your report.
 21 While this effort is -- "their effort
 22 was understandable, it was inadequate because
 23 the effort was undone by continued arrival of
 24 COVID-19 positive patrons and employees."
 25 And he talks about aerosols. He talks

28

1 about the virus being in the air, as a result of
 2 those patrons who are potentially contaminated
 3 with COVID.
 4 All I'm asking you is: Do you
 5 understand his theory that the surfaces inside
 6 the restaurant, whether you clean it or not, no
 7 matter how well you clean it, they can -- they
 8 are being continually contaminated by the virus?
 9 Do you understand that is his theory?
 10 A. I call that a lot of speculation. I see
 11 no data to support that.
 12 Q. Okay.
 13 A. So I may -- I mean --
 14 Q. Okay. So if he gives data to support
 15 that, you have no grounds to dispute him. If
 16 him, as a medical doctor, gives that statistics
 17 and medical data, you wouldn't have any grounds
 18 to disagree with him, right, from a --
 19 MR. MILLER:
 20 Objection to the form.
 21 MR. ALVENDIA:
 22 -- medical doctor's standpoint?
 23 MR. MILLER:
 24 Objection to the form of the
 25 question.

29

1 THE WITNESS:
 2 From a medical doctor, no.
 3 But, again, as, you know, a surface
 4 scientist and understanding contamination of
 5 surfaces, which has been the focus of my
 6 research for decades, you know, I need to see
 7 the data before I can give you the answer to
 8 that.
 9 I don't know what he is going to
 10 present. He is presenting things that are way
 11 outside of his expertise, in my opinion. So I
 12 don't know what he's going to present.
 13 EXAMINATION BY MR. ALVENDIA:
 14 Q. Okay. Who hired you in this case? Who
 15 hired you in this case?
 16 A. I believe Phelps Dunbar.
 17 Q. Okay. Have you ever testified for
 18 Phelps Dunbar in the past?
 19 A. I do not recall working with Phelps
 20 Dunbar in the past.
 21 Q. Okay. And where are you based out of?
 22 What J.S. Held office are you based out of?
 23 A. Redmond, Washington.
 24 Q. Redmond, Washington. Okay.
 25 Have you been asked to testify at trial?

30

1 Trial is Monday.
 2 A. Oh, in this -- in this trial?
 3 Q. Yes. This trial.
 4 A. Yes, I have.
 5 Q. Okay. Do you plan on testifying at
 6 trial on Monday?
 7 A. If so asked, yes, I do.
 8 Q. Well, no. I asked: You have you been
 9 asked, and you said if so. So, have you been
 10 asked to testify on Monday, and do you plan on
 11 testifying?
 12 A. Yes.
 13 Q. Okay. How many times -- let me ask you
 14 this: What area of expertise will you testify
 15 in on Monday? What will you be offered as an
 16 expert in specifically?
 17 A. Well, I think that depends on what I'm
 18 asked. I have not gone over anything with
 19 respect to what my testimony would be. I have
 20 not had a chance review the deposition of Dr.
 21 Moyer yet.
 22 Q. Right.
 23 A. So it's generally in the area of
 24 material science and engineering.
 25 Q. Right. Let me ask you this: Have you

31

1 ever testified in a court of law before?
 2 A. I have testified at deposition and in
 3 arbitration.
 4 Q. Okay. So the answer is no to my
 5 question?
 6 A. If I under -- again, I don't, you
 7 know -- I'm not -- I don't know the legal
 8 definition of that. So if that -- if what I
 9 said to you is no, then that is where I would
 10 be.
 11 Q. Okay. And when you were hired in those
 12 cases, what area of expertise were you offered
 13 as an expert in?
 14 A. Material science and engineering,
 15 forensic engineering, failure analysis.
 16 Q. All of those?
 17 A. I have been -- yeah, quite a few
 18 different cases, and those are often overlapping
 19 areas.
 20 Q. Right. Look, I'm just trying to figure
 21 out in -- in -- when you testify in a case and
 22 when you're going to get put up on a stand on
 23 Monday, they have to qualify you as an expert in
 24 certain fields. That is why I'm asking this
 25 question.

32

1 I understand you have never testified
 2 before in court. That is the process. So when
 3 they ask you, "Doctor, what areas of expertise
 4 are you going to be giving your opinion on?"
 5 you have to give an answer, so the judge says,
 6 "Okay, he can testify."
 7 So if you are asked that question on
 8 Monday, based upon your report that has been
 9 produced, what areas of expertise will you
 10 testifying in?
 11 A. Well, again, I think material science
 12 and engineering, forensic engineering.
 13 Q. Okay. Thank you.
 14 How many -- these cases you mentioned
 15 you were involved in, tell me about them. How
 16 many cases have you been -- civil cases have you
 17 been retained in, either for mediation or
 18 arbitration?
 19 A. Well, I mean, I have been retained in
 20 multiple cases. And they had settled before
 21 I --
 22 Q. I understand that.
 23 A. -- have gone up to give testimony.
 24 Q. I'm -- I'm just trying to find out how
 25 many. Less than five? More than five? More

33

1 than 10?
 2 A. I got -- please. You know, how many --
 3 Q. Roughly.
 4 A. How many have I testified in?
 5 Q. No. Testimony --
 6 A. Is that what you're --
 7 Q. Remember we said that you were brought
 8 in and you testified in depositions. You took
 9 part in arbitrations.
 10 Total, ballpark how many cases has that
 11 happened in? Is it less than five?
 12 A. No. I guess I don't understand the
 13 question and how that relates to the number of
 14 cases I have been retained in versus whether
 15 they have gone to deposition or not or they
 16 settled --
 17 Q. Because in --
 18 A. -- before court --
 19 Q. -- in order to give a deposition, you
 20 have to be retained by somebody as an expert to
 21 give a deposition. You understand that?
 22 A. Yes, I do.
 23 Q. Okay. How many times have you been
 24 retained in a civil case, roughly?
 25 A. Okay. So that's not the same question

34

1 in my mind. Now you're asking how many times
 2 have I been deposed?
 3 Q. No.
 4 A. Are you asking.
 5 Q. I'm asking --
 6 A. How many times I --
 7 Q. -- you: How many times have you been
 8 retained in a case? How many times --
 9 A. I don't know.
 10 Q. -- have you been hired?
 11 A. Hundreds. Hundreds. I don't know.
 12 Q. Oh, hundreds?
 13 A. I -- yes.
 14 Q. Okay. Hundreds. Hundreds. Thank you.
 15 A. I have been retained as an expert
 16 whether this --
 17 MR. MILLER:
 18 Brian. Brian. Let him ask -- let
 19 him ask his questions, okay? Just let -- just
 20 listen to the question and answer the question.
 21 EXAMINATION BY MR. ALVENDIA:
 22 Q. Hundreds. You have been retained
 23 hundreds of times in cases, correct?
 24 A. Yes. As far as, you know, my -- my
 25 understanding of retention where we have a

35

1 retention letter from a client.
 2 Q. Yes. How many of those times -- and you
 3 can give it to me numerically, or you can give
 4 it to me percentage-wise.
 5 How many times have you been retained,
 6 now that we understand what that means in the
 7 context that I'm asking it. How many times have
 8 you been retained by a plaintiff in a case;
 9 percentage or number?
 10 A. I don't track that, so it would be, you
 11 know, hinging somewhere between speculation and
 12 a guesstimate.
 13 I have been retained multiple times by
 14 plaintiffs and multiple times by defense.
 15 Q. Okay. I promise you this is not a test
 16 or a trick question. I am just trying to go
 17 through my outline.
 18 A. Sure. Yeah.
 19 Q. Okay. Do you work -- have you worked
 20 for insurance companies prior to this case?
 21 A. Yes, I have.
 22 Q. Can you name the insurance companies
 23 that you've worked for? Some. Some of them.
 24 Any of them.
 25 A. Alaska National. Farmers. Ace.

36

1 Sedgwick.
 2 Q. Lloyd's?
 3 A. You know, I'd have to go through -- I'd
 4 have to go through and look at, you know, my
 5 case files and see who actually retained us and
 6 who we were working for or something.
 7 Q. You understand what insurance company is
 8 involved in this case, or what the underwriters
 9 in this case, what they're called, the
 10 defendant?
 11 A. I really haven't looked. You know, I'm
 12 looking at the science of this. I haven't
 13 really looked into the insurance aspects of
 14 this.
 15 Q. Okay. If I tell you Lloyd's -- the
 16 underwriter of Lloyd's, London is the insurance
 17 in this case, do -- have you ever worked for
 18 them before, is what I want to know?
 19 MR. MILLER:
 20 Objection to the form of the
 21 question.
 22 THE WITNESS:
 23 I believe so. I would need to go
 24 through and check our case records. Again, I --
 25 I don't understand all the -- the different

37

1 entities of, you know, law, but it's --
 2 EXAMINATION BY MR. ALVENDIA:
 3 Q. All right. You have no -- do you have
 4 training in viruses? Have you been trained
 5 regarding viruses as it pertains in your area of
 6 expertise?
 7 MR. MILLER:
 8 Objection to the form.
 9 EXAMINATION BY MR. ALVENDIA:
 10 Q. Have you had any courses on viruses?
 11 Let's be specific. Have you taken any
 12 courses and completed them on viruses throughout
 13 your formal education?
 14 A. I have not taken any courses that solely
 15 focused on viruses. I have taken a variety of
 16 science, chemistry, biology courses where, you
 17 know, viruses, amino acids, and RNA, DNA are
 18 covered.
 19 Q. Do you understand --
 20 A. I am not claiming --
 21 Q. Okay. Do you understand the physical
 22 properties of the COVID-19 virus? Are you
 23 familiar with them?
 24 MR. MILLER:
 25 Objection to the form of the

38

1 question.
 2 THE WITNESS:
 3 Oh --
 4 MR. ALVENDIA:
 5 No?
 6 THE WITNESS:
 7 I would say I'm not an expert on the
 8 COVID virus.
 9 EXAMINATION BY MR. ALVENDIA:
 10 Q. Okay.
 11 A. I have --
 12 Q. You under --
 13 A. -- read literature regarding it.
 14 Q. Okay. You read some literature.
 15 Do you understand how -- how big or how
 16 small they are? How it's measured in -- in
 17 micrometers or nanometers? Do you understand
 18 how big or how small the COVID virus is,
 19 COVID-19?
 20 A. Yes, I do.
 21 Q. How big is it?
 22 A. It is in -- how -- you want the --
 23 please be more specific.
 24 Q. What is a range of the size in microns?
 25 A. Are you talking circumference? Are you

39

1 talking --
 2 Q. Sure.
 3 A. -- radii? Diameter?
 4 Q. Well, I've seen a lot of literature that
 5 says they -- they describe it as 0.06 microns.
 6 Do you disagree with that? It could be
 7 that small? 0.06? I don't know what the --
 8 A. The --
 9 Q. I don't know what they mean by
 10 circumference or radius. They just say point --
 11 0.06 microns.
 12 What do you think that would mean, if
 13 they wrote that in an article?
 14 A. I would like to read that article
 15 because that is not a very scientific way. What
 16 you need to say is that the circumference or the
 17 diameter or the radii.
 18 Q. All right. Thanks for pointing that
 19 out.
 20 So what is the circumference? And if
 21 there is a range, there is a range. What is the
 22 range of the circumference of the COVID-19 virus
 23 in micrometers?
 24 A. Typically, we talk in nanometers.
 25 Q. Or nanometers. Sure.

40

1 A. Sure. For that size, since it's less
 2 than a micron.
 3 So there is from my understanding of the
 4 literature -- I have not actually measured the
 5 diameter or circumference of a COVID virus -- I
 6 have seen estimates ranging in diameters from
 7 200 nanometers down to perhaps as small as 50
 8 nanometers for the diameter.
 9 Q. Wait.
 10 A. From a diameter you can --
 11 Q. Wait.
 12 A. -- calculate the --
 13 Q. Wait. Wait. Hold on. Hold on one
 14 second. Hold on one second.
 15 200 to 50 nanometers, is that what you
 16 said?
 17 A. Somewhere in that range, yes, for the
 18 diameter.
 19 Q. Okay. And then the circumference?
 20 A. Well, you just calculate the
 21 circumference based on the diameter.
 22 Q. Yeah. Well, give it to me. Once again,
 23 I'm a political science major, man. Give me the
 24 -- give me a circumference.
 25 A. So you multiply by pi.

41

1 Q. That's -- so I knew pi was involved in
 2 that, man. I knew that.
 3 What -- what -- so you don't have that
 4 number, but you'd multiply it times pi?
 5 A. Correct. So that's in the range --
 6 Q. We --
 7 A. That would be in the range of -- then,
 8 you know, pi is a little greater than three. So
 9 that could potentially be a circumference of 600
 10 nanometers.
 11 Q. 600 nanometers. I think that's what I
 12 said earlier. Right. Okay.
 13 Have you given all of the opinions that
 14 you plan on giving at the time of trial in your
 15 report?
 16 A. No. I don't know. It depends. I have
 17 not reviewed the deposition of Dr. Moyer. I may
 18 be asked to respond to things that he brought up
 19 in his deposition that were not in his report.
 20 So I do not say I would be limited to what is in
 21 my report.
 22 Q. Okay.
 23 MR. ALVENDIA:
 24 All right. Give me one minute.
 25 Okay? I might be wrapping up.

42

1 (Recess held.)
 2 EXAMINATION BY MR. ALVENDIA:
 3 Q. Mr. Flinn, you have not taken any
 4 medical courses, have you? Medical school? Any
 5 type of medical courses that they would give at
 6 a medical school?
 7 A. Not in medical school. First aid.
 8 Q. Okay.
 9 A. CPR. I don't know if those qualify or
 10 not.
 11 Q. Yeah. Well, they might.
 12 MR. ALVENDIA:
 13 I have no further questions, Allen.
 14 MR. MILLER:
 15 Okay. We're just going to stay here
 16 and wait for the next one or you -- you want to
 17 jump right into it or wait until 2:00?
 18 MR. ALVENDIA:
 19 Let me check and see, okay, because
 20 I'm not -- I'm not the one doing it. Matt is
 21 doing it. Let me -- let me check with him.
 22 MR. MILLER:
 23 Oh, well, we can wait until 2:00.
 24 Let's wait until 2:00.
 25 MR. ALVENDIA:

43

1 Okay. All right.
 2 MR. SHERMAN:
 3 I got to change rooms, Allen, but
 4 I'll be ready, I mean, in 10 minutes. I got to
 5 go --
 6 MR. ALVENDIA:
 7 Okay. Yeah, so -- so let's stay on
 8 the Zoom then.
 9 Mr. Flinn, you -- Mr. Flinn, it was
 10 nice meeting you.
 11 THE WITNESS:
 12 It's nice to meet you, too.
 13 MR. ALVENDIA:
 14 Thank you. Have a good day.
 15 MR. MILLER:
 16 All right. Thanks, Brian.
 17 (Deposition concluded at 1:45 p.m.)
 18
 19
 20
 21
 22
 23
 24
 25

44

1 WITNESS' ATTESTATION
 2 I have read or have had the foregoing
 3 testimony read to me, pursuant to Rule 30(e) of
 4 the Federal Rules of Civil Procedure and/or
 5 Article 1445 of the Louisiana Code Civil
 6 Procedure, and hereby attest that, to the best
 7 of my ability and understanding, it is a true
 8 and correct transcription of my testimony, with
 9 the exception of any attached corrections or
 10 changes, complete with reasons for changes, on
 11 the Witness' Amendment Pages;
 12 I have in no way altered the printed
 13 transcript pages containing testimony herein,
 14 tampered with the seal on the last numbered page
 15 herein, or tampered with the security strip on
 16 the binder hereof. The integrity of this
 17 certified transcript has been maintained in the
 18 identical form as it was received by me, with
 19 the exception of any changes on the Witness'
 20 Amendment Pages.
 21
 22 -----
 23 Date
 24
 25
 24 _____
 25 BRIAN FLINN, Ph.D., P.E.
 (Signature)

1 REPORTER'S PAGE

2 I, KAY E. DONNELLY, Certified Court
3 Reporter in and for the State of Louisiana, the
4 officer, as defined in Rule 28 of the Federal
5 Rules of Civil Procedure and/or Article 1434(B)
6 of the Louisiana Code of Civil Procedure, before
7 whom this proceeding was taken, do hereby state
8 on the Record:

9 That due to the interaction in the
10 spontaneous discourse of this proceeding, dashes
11 (--) have been used to indicate pauses, changes
12 in thought, and/or talkovers; that same is the
13 proper method for a Court Reporter's
14 transcription of proceeding, and that the dashes
15 (--) do not indicate that words or phrases have
16 been left out of this transcript;

17 That any words and/or names which could
18 not be verified through reference material have
19 been denoted with the phrased "(spelled
20 phonetically)."
21

22 _____
KAY E. DONNELLY
23 Certified Court Reporter
State of Louisiana
Certificate No. 87008
24
25

1 C E R T I F I C A T E

2 This certification is valid only for a
3 transcript accompanied by my original signature
4 and original required seal on this page.

5 I, KAY E. DONNELLY, Certified Court
6 Reporter in and for the State of Louisiana, as
7 the officer before whom this testimony was
8 taken, do hereby certify that BRIAN FLINN,
9 Ph.D., P.E., to whom oath was administered,
10 after having been duly sworn by me upon
11 authority of R.S. 37:2554, did testify as
12 hereinbefore set forth in the foregoing
13 forty-five (45) pages; that this testimony was
14 reported by me in the stenotype reporting
15 method, was prepared and transcribed by me or
16 under my personal direction and supervision, and
17 is a true and correct transcript to the best of
18 my ability and understanding; that the
19 transcript has been prepared in compliance with
20 transcript format guidelines required by statute
21 or by rules of the board; and that I am informed
22 about the complete arrangement, financial or
23 otherwise, with the person or entity making
24 arrangements for deposition services; that I
25 have acted in compliance with the prohibition on
contractual relationships, as defined by
Louisiana Code of Civil Procedure Article 1434
and in rules and advisory opinions of the board;
that I have no actual acknowledge of any
prohibited employment or contractual
relationship, direct or indirect, between a
court reporting firm and any party litigant in
this matter nor is there any such relationship
between myself and a party litigant in this
matter. I am not related to counsel or to the
parties herein, nor am I otherwise interested in
the outcome of this matter.

20
21
22
23 _____
KAY E. DONNELLY
24 Certified Court Reporter
State of Louisiana
Certificate No. 87008
November 13, 2020
25

<p style="text-align: center;">A</p> <p>ability 44:7 46:10 abundance 26:9 accompanied 46:2 Ace 35:25 acids 37:17 acknowledge 46:15 acted 46:13 actual 46:15 administered 46:5 administering 5:23 advisory 46:15 aerosols 27:25 afternoon 6:6,7 agent 17:24 agree 7:5,19 10:21 17:20,25 25:12 agreed 5:3 Agreement 2:5 ahead 15:15 26:25 aid 42:7 air 20:2 27:8 28:1 Alaska 35:25 Allen 4:6 16:24 19:15 26:14,18 42:13 43:3 allowed 19:15 altered 44:12 Alvendia 2:8 3:3,6 6:5,8 9:11,24 10:3 10:8 12:9,12,14 13:8 15:8,12,16 15:23 18:12,17 19:5,9,13,20 21:18,23 23:9,15 24:2,4,12,16 25:2 25:9,13 26:13,17 27:2,5 28:21 29:13 34:21 37:2 37:9 38:4,9 41:23 42:2,12,18,25 43:6,13 Amendment 44:11 44:20 amino 37:17</p>	<p>amount 18:24 analysis 14:14 31:15 and/or 44:4 45:5,12 45:17 answer 15:15 16:12 18:18,19 19:18 24:3,18,18 25:19 29:7 31:4 32:5 34:20 answered 24:15 Appearances 2:5 3:1 4:1 appreciate 13:24 15:17 18:18 arbitration 31:3 32:18 arbitrations 33:9 area 10:20 14:1,8 30:14,23 31:12 37:5 areas 14:22 31:19 32:3,9 arrangement 46:12 arrangements 46:13 arrival 27:23 article 39:13,14 44:5 45:5 46:14 asked 11:12 14:3,5 24:11 25:15 29:25 30:7,8,9,10,18 32:7 41:18 asking 28:4 31:24 34:1,4,5 35:7 aspects 36:13 attached 44:9 attacked 11:24 attempting 27:18 attest 44:6 ATTESTATION 44:1 Attorneys 3:4,9,14 4:4 authority 46:6</p>	<p>awake 12:6 aware 14:20 22:5</p> <hr/> <p style="text-align: center;">B</p> <p>back 11:10 12:13 ballpark 33:10 bar 17:9 based 7:1 14:8,12 17:5 19:23 20:7 20:11 25:21,25 29:21,22 32:8 40:21 Baton 4:5 bear 17:1 began 23:17 begun 23:18 believe 8:1 9:17 10:25 11:16,24 15:5,21 20:5 29:16 36:23 best 44:6 46:9 beyond 19:3 big 38:15,18,21 binder 44:16 biology 37:16 bit 22:13 23:14 board 46:11,15 bonding 18:8,9,10 Boulevard 3:15 Brain 20:25 Brian 1:16 5:4 6:1 34:18,18 43:16 44:24 46:5 brought 33:7 41:18</p> <hr/> <p style="text-align: center;">C</p> <p>C 4:6 46:1,1 Cajun 1:6,6,7 6:9 calculate 40:12,20 call 28:10 called 36:9 Calls 9:23 Caption 2:4 case 6:12 8:19 9:16</p>	<p>29:14,15 31:21 33:24 34:8 35:8 35:20 36:5,8,9,17 36:24 cases 20:18 31:12 31:18 32:14,16,16 32:20 33:10,14 34:23 cause 18:24 causes 17:7 27:8 CDC 17:22 certain 1:9 31:24 certainly 12:1 Certificate 2:10,11 45:23 46:24 certification 5:9 46:2 certified 3:20 4:10 5:21 44:17 45:2 45:22 46:3,23 certify 46:5 chance 20:5 30:20 change 16:5,6,14 16:17,18,21 17:11 17:18 24:23 43:3 changed 24:7 changes 44:10,10 44:19 45:11 check 36:24 42:19 42:21 CHEHARDY 3:14 chemical 16:1,6,18 16:19 17:2,7 18:8 chemistry 14:21 37:16 circular 23:14 circumference 38:25 39:10,16,20 39:22 40:5,19,21 40:24 41:9 civil 1:1 5:6,19 32:16 33:24 44:4 44:5 45:5,6 46:14 claiming 37:20 clarify 23:10</p>	<p>clean 20:20 21:1 26:12 27:18 28:6 28:7 cleaned 20:22 21:6 26:4 cleaner 10:19 14:6 15:20 cleaning 6:19 7:11 7:24 9:1 10:11 11:15 23:3 26:12 client 35:1 Code 5:6,7,18 44:5 45:6 46:14 coincidence 9:2 10:10 come 11:10 comes 16:3 17:3 commencing 1:18 common 18:22 19:17,23 20:1,3,8 20:10,10 23:1 companies 35:20 35:22 company 36:7 complete 44:10 46:12 completed 37:12 completely 10:20 compliance 46:10 46:13 compositional 16:1 concluded 43:17 confirmed 20:18 consider 15:6 24:25 Cont 4:1 contact 16:3 17:3 containing 44:13 contaminated 13:12,13 17:23 28:2,8 contamination 27:8 29:4 context 13:10 35:7 Conti 1:6 6:10 continually 28:8</p>
---	---	---	--	---

<p>continued 27:23 continuing 27:8 contractual 46:14 46:16 Convention 4:4 convince 17:11,17 coronavirus 16:3 16:13 correct 6:12,15 7:12,25 14:1,2,8 15:25 16:4 23:22 34:23 41:5 44:8 46:9 corrections 44:9 counsel 2:5 5:4 46:18 courses 37:10,12 37:14,16 42:4,5 court 1:1 3:20 4:10 5:21 31:1 32:2 33:18 45:2,13,22 46:3,17,23 covered 37:18 COVID 13:13 17:3 20:18 28:3 38:8 38:18 40:5 COVID-19 17:20 18:22 19:21 20:1 20:12 22:7,19 23:21 26:2 27:24 37:22 38:19 39:22 CPR 42:9 criticism 11:21 criticisms 11:22 cross 26:19 CUISINE 1:6,7 curious 8:22 CV 11:7</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D 2:1 d/b/a/ 1:7 damage 7:14 13:19 13:20 14:4 24:21 25:1,4,18 26:3</p>	<p>damaged 6:20 7:12 7:25 9:2 10:12 22:21,25 24:8 25:15 damages 8:23 11:11,20 12:15 13:4 14:8,12 15:22 dangerous 13:14 dashes 45:10,14 data 17:13 28:11 28:14,17 29:7 Date 44:22 day 43:14 decades 29:6 def 15:21 defendant 4:2 36:10 defense 35:14 define 22:21 24:8 defined 45:4 46:14 definition 6:23 7:1 7:10,14 8:2,4,23 9:3 10:10 11:11 11:20 12:15,25 13:4,16 14:1,7,12 14:24 15:6,21 25:3 26:3 31:8 DEMAREST 3:3 denoted 45:19 density 18:24 depends 30:17 41:16 deposed 12:4,7 34:2 deposition 1:16 5:4 5:11,16 11:12 12:23 13:10 26:11 30:20 31:2 33:15 33:19,21 41:17,19 43:17 46:13 depositions 33:8 describe 16:10 39:5 descriptive 16:10 determine 7:16</p>	<p>diameter 39:3,17 40:5,8,10,18,21 diameters 40:6 different 10:20 21:13 22:6 31:18 36:25 direct 46:16 direction 46:9 disagree 13:5 28:18 39:6 discourse 45:10 discovery 5:12 discussion 12:11 diseases 22:13 disinfectant 21:2 dispute 28:15 DISTRICT 1:1 DIVISION 1:5 DNA 37:17 doctor 28:16 29:2 32:3 doctor's 28:22 doing 42:20,21 DONNELLY 3:19 4:10 5:21 45:2,22 46:3,22 Dr 11:19,21 12:15 14:11 15:18,21 27:6 30:20 41:17 draft 9:9 due 45:9 duly 6:3 46:6 Dunbar 4:3 29:16 29:18,20</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>E 2:1 3:19 4:10 5:21 45:2,22 46:1 46:1,3,22 E-mail 10:5 earlier 10:14 14:14 23:17 41:12 education 14:13 37:13 effort 27:18,21,21</p>	<p>27:23 either 15:22 32:17 employees 27:24 employment 46:16 engineer 10:16,24 10:25 11:3 13:22 engineering 7:1 8:2 30:24 31:14,15 32:12,12 English 16:25 entities 37:1 entity 46:12 environment 27:19 epidemiologist 18:6 ESQ 2:8 3:6,6,11 3:16 4:6 estimates 40:6 everybody 20:9 evidence 5:17 17:7 Examination 2:6 6:5 9:11,24 10:8 12:14 13:8 15:23 18:17 19:20 21:23 23:15 24:4 25:13 27:5 29:13 34:21 37:2,9 38:9 42:2 examine 26:20 example 17:21 24:25 exception 44:9,19 expected 24:24 experience 14:13 expert 6:11 10:19 14:6 15:19 18:20 30:16 31:13,23 33:20 34:15 38:7 expertise 10:20 14:1,8,20,25 19:4 19:15 29:11 30:14 31:12 32:3,9 37:6 explained 13:17 explanation 7:2</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>F 46:1 failure 31:15 familiar 37:23 far 34:24 Farmers 35:25 Federal 44:4 45:4 fields 31:24 figure 31:20 files 36:5 financial 46:12 find 32:24 fine 19:18 finish 25:7,8 finished 9:13 25:8 25:12 firm 46:17 first 6:3 8:13,17 42:7 five 32:25,25 33:11 Flinn 1:16 5:4 6:1,6 6:11 15:18,18 20:25 42:3 43:9,9 44:24 46:5 flu 22:10 focus 29:5 focused 37:15 follows 6:4 fomite 20:19 foregoing 44:2 46:7 forensic 31:15 32:12 form 5:14 9:6 13:7 18:2 19:2 21:17 21:21 23:25 28:20 28:24 36:20 37:8 37:25 44:18 formal 37:13 formalities 5:8 format 46:11 forth 10:16 17:23 46:7 forty-five 46:7 found 17:8 foundation 19:14 frequency 21:14,25</p>
---	---	---	---

further 42:13	heard 20:11,17,17	involved 32:15 36:8	37:11 42:24 43:7	39:9,12 43:4
<hr/> G <hr/>	held 6:2,14 8:10	41:1	letter 35:1	means 13:12 25:19
Galleria 3:15	12:11 29:22 42:1	<hr/> J <hr/>	limited 41:20	35:6
GAUTHIER 3:9	help 27:1	J.S 6:2,14 8:9 29:22	listen 34:20	meant 12:2
generally 10:22	helping 27:3,4	JENNIFER 3:6,11	literature 17:6,14	measurable 24:22
30:23	hereinbefore 46:7	judge 32:5	17:22 38:13,14	measured 38:16
give 8:13 10:4 13:9	hereof 44:16	jump 42:17	39:4 40:4	40:4
13:25 14:7,11	higher 21:14,25	<hr/> K <hr/>	litigant 46:17,18	mediation 32:17
19:8 29:7 32:5,23	hinging 35:11	KAY 3:19 4:10	little 13:10 22:13	medical 28:16,17
33:19,21 35:3,3	hint 8:13	5:21 45:2,22 46:3	23:13 41:8	28:22 29:2 42:4,4
40:22,23,24 41:24	hired 29:14,15	46:22	LLC 1:6,6,7 3:3,9	42:5,6,7
42:5	31:11 34:10	KELLY 3:3	Lloyd's 1:9 36:2,15	meet 43:12
given 25:3 41:13	Hold 40:13,13,14	knew 41:1,2	36:16	meeting 43:10
gives 28:14,16	HOUGHTALING	know 6:25 8:7,7,16	LLP 4:3	mentioned 32:14
giving 32:4 41:14	3:9	8:22 9:9,21 18:5	London 1:9 36:16	Metairie 3:10,15
go 11:20,22 12:24	hours 12:7 17:15	18:20 19:18 20:15	long 26:3	method 45:13 46:8
14:23,23 15:11	Hullen 3:10	20:16 22:12,16	look 7:13 15:25	micrometers 38:17
20:24,25 26:25	hundreds 34:11,11	24:22 29:3,6,9,12	31:20 36:4	39:23
35:16 36:3,4,23	34:12,14,14,22,23	31:7,7 33:2 34:9	looked 36:11,13	micron 40:2
43:5	<hr/> I <hr/>	34:11,24 35:11	looking 36:12	microns 38:24 39:5
going 7:9,22 8:14	identical 44:18	36:3,4,11,18 37:1	loss 12:16 13:3,15	39:11
12:18 13:25 14:7	inadequate 27:22	37:17 39:7,9 41:8	lot 22:13 28:10	Miller 4:6 9:5,22
14:9,11,15 17:15	inanimate 16:13,14	41:16 42:9	39:4	10:1 12:5,5 13:6
17:17 26:11,22	17:4,4,8	knowledge 7:1,8	Louisiana 1:3 3:5	15:3,10,14 18:1
27:19 29:9,12	Including 22:7,8,8	17:6 18:22 19:23	3:10,15,20 4:5,11	19:1,7,11 21:16
31:22 32:4 42:15	22:10	20:1,3,8,10	5:6,22 44:5 45:3,6	21:20 23:6,24
good 6:6,7 7:2	indicate 45:11,15	KUECHMANN	45:23 46:4,14,23	24:10,14 25:6
43:14	indirect 46:16	3:6	<hr/> M <hr/>	26:6,10,15,24
great 11:20	infected 23:3	<hr/> L <hr/>	M 1:5	28:19,23 34:17
greater 41:8	infection 20:18	L 3:6 5:1	maintained 44:17	36:19 37:7,24
GRILL 1:7	22:7	lands 17:20 18:22	major 16:25 17:1	42:14,22 43:15
grounds 28:15,17	infectious 17:24	law 3:4,9,14 4:4	40:23	mind 14:24 17:12
guess 13:24 33:12	18:16 22:13	31:1 37:1	making 46:12	17:18 26:18,21
guesstimate 35:12	informative 16:9	lawsuit 6:10	man 40:23 41:2	34:1
guidelines 46:11	informed 46:11	laying 19:14	master 14:6	minute 7:9,22
<hr/> H <hr/>	inside 28:5	leads 7:9 12:16	material 5:12 13:21	11:18 12:25 41:24
hands 20:20,22	insurance 35:20,22	13:3,15	14:21 18:7 30:24	minutes 43:4
21:1,6,12,24	36:7,13,16	learned 22:12	31:14 32:11 45:18	misstating 16:7
22:18 23:4,19	integrity 44:16	left 45:16	Matt 42:20	molecular 16:5,14
24:7 26:2,4,12	interaction 45:9	legal 31:7	matter 28:7 46:17	16:16
happened 33:11	interactions 16:10	let's 11:19 12:4,24	46:18,19	Monday 30:1,6,10
happy 27:13	interacts 16:13	14:23,23,24 15:1	MATTHEW 3:16	30:15 31:23 32:8
hear 8:24	interested 46:19	15:1,2 19:22	mean 8:18 16:16	months 20:12
	interpose 15:4		26:16 28:13 32:19	Moye 11:21 14:11
				30:21 41:17

Moye's 11:19 12:15 15:21 27:6 multiple 32:20 35:13,14 multiply 40:25 41:4 MURPHY 3:9	objects 24:5 Occasionally 21:3 21:4 occur 16:11 18:9 Oceana 1:7 6:9 Oceana's 27:9 Off-the-Record 12:11 offered 10:18 30:15 31:12 office 29:22 officer 45:4 46:4 officially 16:9 officiated 5:22 Oh 30:2 34:12 38:3 42:23 okay 6:17,23 7:2 8:3,7,21 9:19 10:9 12:3,25 13:1,9 14:19 16:12,23 19:25 20:7,20,24 22:11 25:10,14,18 25:20 26:20 27:17 28:12,14 29:14,17 29:21,24 30:5,13 31:4,11 32:6,13 33:23,25 34:14,19 35:15,19 36:15 37:21 38:10,14 40:19 41:12,22,25 42:8,15,19 43:1,7 once 10:9 11:17 40:22 opine 14:9 opinion 19:12 29:11 32:4 opinions 41:13 46:15 order 7:16 33:19 original 5:13 46:2,3 Orleans 1:2 3:5 outcome 46:19 outline 35:17 outside 29:11 overlap 10:23	overlapping 31:18 <hr/> P <hr/> P 5:1 P.E 1:17 5:5 6:1 44:24 46:5 p.m 1:18 43:17 page 2:3,11 44:14 45:1 46:3 pages 44:11,13,20 46:7 pandemic 20:21 21:5,11 22:1 23:5 23:17 Paragraph 27:17 PARISH 1:2 part 5:16 33:9 particularly 23:20 parties 46:19 party 5:11 46:17,18 passage 27:12 patrons 27:24 28:2 pauses 45:11 percentage 35:9 percentage-wise 35:4 PEREZ 3:11 person 8:9 46:12 personal 6:25 7:3 10:15 46:9 personally 11:25 pertains 37:5 Ph.D 1:17 5:5 6:1 44:24 46:5 Phelps 4:3 29:16,18 29:19 phonetically 45:20 phrased 45:19 phrases 45:15 physical 7:14 12:16 13:2,11,20 16:11 24:21,23 37:21 physically 6:20 7:12,25 9:1 10:12 22:21	physics 13:23 pi 40:25 41:1,4,8 plaintiff 35:8 plaintiffs 3:2 35:14 plan 30:5,10 41:14 please 16:16 18:19 24:18 33:2 38:23 point 11:9 13:24 39:10 pointing 39:18 political 17:1 40:23 portions 9:17 positive 27:24 potential 17:24 potentially 18:23 20:3,4,13 28:2 41:9 Poydras 3:4 practical 6:25 7:3 precise 10:13 preface 7:20 prepared 46:8,10 present 29:10,12 presenting 29:10 pretty 10:12 printed 44:12 prior 35:20 Procedure 5:6,19 44:4,6 45:5,6 46:14 proceeding 45:7,10 45:14 process 32:2 processes 16:11 produced 32:9 prohibited 46:16 prohibition 46:13 promise 26:22 35:15 proper 45:13 properties 24:23 37:22 property 12:17 13:12,15 public 20:24,25	21:13 purposes 7:7 pursuant 44:3 put 7:21 8:3 31:22 <hr/> Q <hr/> qualify 31:23 42:9 question 6:17 9:7 15:15 16:12 18:3 18:19,21 19:3 20:7,10 21:21 22:17 23:14 24:1 24:5,19 25:4,5,19 28:25 31:5,25 32:7 33:13,25 34:20,20 35:16 36:21 38:1 questions 5:15 19:15,17 26:19 34:19 42:13 quite 31:17 <hr/> R <hr/> R 46:1 R.S 46:6 radii 39:3,17 radius 39:10 Raley 8:8 10:18 11:5 15:19 range 38:24 39:21 39:21,22 40:17 41:5,7 ranging 40:6 reaction 16:19 17:2 17:7 reactions 18:8 read 5:10 8:20 9:12 9:13,14,16,17,19 10:4 20:12 27:9 38:13,14 39:14 44:2,3 ready 43:4 realize 15:13 really 36:11,13 reasonable 8:1 13:4
---	---	--	---	--

<p>13:16 reasons 22:4,6,19 23:21 44:10 recall 27:11 29:19 received 44:18 Recess 42:1 Record 12:10,13 45:8 records 36:24 Redmond 6:2,2 29:23,24 reference 17:13 45:18 regarding 37:5 38:13 regularly 20:20,22 related 24:24 46:18 relates 33:13 relationship 46:16 46:17 relationships 46:14 relevant 15:22 rely 14:17 remember 27:13 33:7 repeat 23:14 report 6:12,18,21 7:7,20 8:20 9:3,10 9:12,15,16,17,20 10:4,5 11:16,21 11:22 12:21,25 17:16 22:22 24:9 27:6,7,20 32:8 41:15,19,21 reported 3:19 4:9 46:8 Reporter 3:20 4:10 5:21 45:3,22 46:4 46:23 Reporter's 2:11 45:1,13 reporting 46:8,17 represent 6:9 Representing 3:2 4:2</p>	<p>required 46:3,11 research 7:8 14:13 29:6 reserved 5:15 reserves 5:10 respect 30:19 respond 41:18 response 21:4 responsible 5:11 responsive 25:4 restaurant 6:9 17:9 17:21 27:9 28:6 restored 6:19 7:11 7:24 8:25 10:11 11:14 restorer 10:19 14:7 15:20 result 28:1 retain 5:12 retained 32:17,19 33:14,20,24 34:8 34:15,22 35:5,8 35:13 36:5 retention 34:25 35:1 review 17:6 27:13 30:20 reviewed 11:7 41:17 Rico 2:8 3:6 6:8 15:5 19:4 21:22 26:7 right 5:10 6:20 7:10 10:21 11:4,4 14:4,11 16:6 17:10,11 18:23 21:10,19 22:15 23:10 25:17,21 26:25 28:18 30:22 30:25 31:20 37:3 39:18 41:12,24 42:17 43:1,16 RNA 37:17 RODERICK 2:8 3:6</p>	<p>rooms 43:3 Rouge 4:5 roughly 33:3,24 Rule 44:3 45:4 rules 44:4 45:5 46:11,15</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>S 5:1 salmonella 22:10 sanitize 22:5 24:7 26:1 sanitizer 23:4 sanitizing 21:12,24 22:18 23:19 Sara 8:8,16 10:18 11:5 15:19 save 5:14 saw 6:18 saying 7:6 15:24 says 12:15 13:11 16:1 27:7 32:5 39:5 school 42:4,6,7 science 13:23 14:21 16:1 17:1 18:8 30:24 31:14 32:11 36:12 37:16 40:23 scientific 26:3 39:15 scientist 11:2,5,6 13:22 29:4 scope 19:3 seal 44:14 46:3 sealing 5:8 second 40:14,14 SECTION 1:5 security 44:15 Sedgwick 36:1 see 16:24 17:6 28:10 29:6 36:5 42:19 seen 20:11 39:4 40:6 sense 19:17 20:10</p>	<p>23:2 sentence 8:6 10:13 10:17 service 5:11 services 46:13 set 46:7 settled 32:20 33:16 SHERMAN 3:14 3:16 43:2 show 12:20,20 17:13,13 sick 18:24 19:21 20:2,6,13 sign 5:10 signature 44:24 46:2 simple 25:5 sir 8:5 sit 17:5 situation 13:13 six 12:7 size 38:24 40:1 small 38:16,18 39:7 40:7 solely 37:14 somebody 20:2,13 33:20 sorry 23:13 sought 5:17 sound 13:3,16 specific 27:12,16 37:11 38:23 specifically 7:23 30:16 speculation 10:2 28:10 35:11 spelled 45:19 spend 17:15 spontaneous 45:10 SR 4:6 stand 31:22 standpoint 28:22 start 19:22 started 20:21 21:11 21:12 22:1 23:5</p>	<p>state 1:3 3:20 4:11 5:22 7:23 45:3,7 45:23 46:4,23 statistics 28:16 statute 46:11 stay 42:15 43:7 stenotype 46:8 stipulated 5:3 Street 3:4,10 4:4 strip 44:15 structure 24:23 struggling 16:24 subject 15:6 submitted 6:11 suffering 12:8 Suite 3:4,15 4:4 supervision 46:9 support 28:11,14 sure 10:22 11:4 22:8 35:18 39:2 39:25 40:1 surface 6:19 7:10 7:23 8:25 10:11 11:14 14:21 17:3 17:4,4 20:14,19 29:3 surfaces 13:21 16:2 18:23 21:1 22:5 22:19 23:20 27:9 27:19 28:5 29:5 surprised 12:5 sworn 6:4 11:12 12:22 14:17 21:15 46:6</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>T 5:1,1 46:1,1 table 17:21,23 taken 1:17 5:5 37:11,14,15 42:3 45:7 46:5 talk 11:19 13:20,22 18:7,15 39:24 talking 27:20 38:25 39:1</p>
---	---	---	--	--

<p>talkovers 45:12 talks 27:25,25 tampered 44:14,15 tear 24:25 tell 8:3,14 15:25 25:18 32:15 36:15 tells 23:2 terms 24:21 test 14:24 35:15 testified 6:4 23:17 29:17 31:1,2 32:1 33:4,8 testify 19:19 29:25 30:10,14 31:21 32:6 46:6 testifying 30:5,11 32:10 testimony 11:13 12:23 14:17 21:9 21:10,15 23:8 30:19 32:23 33:5 44:3,8,13 46:4,7 Thank 16:22 19:25 22:9 24:3 32:13 34:14 43:14 Thanks 39:18 43:16 theory 28:5,9 thereof 5:16 things 7:21 21:13 29:10 41:18 think 7:13 9:12,19 11:1 14:15 16:7 19:3 22:12 24:6 30:17 32:11 39:12 41:11 thought 45:12 three 11:15 41:8 time 5:16 8:17 24:18 41:14 times 11:15 30:13 33:23 34:1,6,7,8 34:23 35:2,5,7,13 35:14 41:4 today 17:5</p>	<p>told 14:16 Total 33:10 touch 20:25 22:20 23:16,20 touched 24:6 touching 21:13 track 35:10 trail 41:14 trained 37:4 training 10:15 14:13 37:4 transcribed 46:8 transcript 44:13,17 45:16 46:2,9,10 46:11 transcription 44:8 45:14 transformation 12:16 13:2,11 16:2 transformed 22:20 transforms 13:14 trial 29:25 30:1,2,3 30:6 trick 35:16 true 44:7 46:9 try 17:18 18:19 trying 16:20 26:25 31:20 32:24 35:16 twice 11:17 type 18:10 42:5 typically 17:8 39:24</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>U 5:1 understand 7:19 15:24 26:22 27:6 28:5,9 32:1,22 33:12,21 35:6 36:7,25 37:19,21 38:15,17 understandable 27:22 understanding</p>	<p>29:4 34:25 40:3 44:7 46:10 underwriter 36:16 underwriters 1:9 36:8 undesirable 24:22 undone 27:23 use 12:17 13:3,15 15:2,2 24:24</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>valid 15:6 46:2 variety 22:4,6 37:15 verified 45:18 versus 1:8 33:14 virologist 18:5 20:9 virology 18:20 virus 13:13 17:7 19:21 27:7 28:1,8 37:22 38:8,18 39:22 40:5 viruses 37:4,5,10 37:12,15,17</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>wait 21:9 40:9,11 40:13,13 42:16,17 42:23,24 waived 5:9 want 11:9 17:19 26:19,20 27:12 36:18 38:22 42:16 wanted 22:16 Washington 6:3 29:23,24 wasn't 25:8 26:1 way 6:2 15:2 22:21 24:8 26:19,20 29:10 39:15 44:12 we'll 12:24 we're 7:21 42:15 we've 22:12 wear 24:25 Wednesday 1:17</p>	<p>WILLIAMS 3:14 witness 5:9,23 9:8 10:6 18:4,14 23:12 24:20 25:11 26:8,20 29:1 36:22 38:2,6 43:11 Witness' 2:10 44:1 44:11,19 words 45:15,17 work 6:14,14 35:19 worked 8:17,18,19 9:15 35:19,23 36:17 working 29:19 36:6 wouldn't 28:17 wrapping 41:25 wrong 15:25 23:11 wrote 39:13</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p>X 2:1</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>yeah 6:8 10:22 11:23 14:4 21:3 27:15 31:17 35:18 40:22 42:11 43:7 years 14:12 yesterday 12:4</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>Zoom 1:16 5:4 43:8</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p>0.06 39:5,7,11</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 2:4 3:15 1:09 1:18 1:45 43:17 10 33:1 43:4 11 1:17 1100 3:15 4:4 13 1:5 46:24 1434 46:14</p>	<p>1434(B) 45:5 1445 44:5 1625 3:4 18372 6:2</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2:00 42:17,23,24 200 40:7,15 2020 1:18 46:24 2020-02558 1:5 28 45:4</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 2:5 30(e) 44:3 3500 3:10 37:2554 46:6</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4 2:5 400 4:4 44 2:10 45 2:11 46:7 46 2:11</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5 2:8 50 40:7,15</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>600 41:9,11</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>70001 3:15 70002 3:10 70112 3:5 70802 4:5 73 27:17</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>87008 45:23 46:24</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>909 3:4 98052 6:3</p>
---	---	--	---	--