eDiscovery Case Study
November 11, 2008

Arrival at
Victor Daniel Power Plant
Escatawpa, MS
Video Monitoring of Scaffold Component Removal
November 17, 2008

Re: LETTER AGREEMENT: RESTRICTIONS ON THE USE OF PHOTOGRAPHY, CONFIDENTIALITY AGREEMENT AND PROTOCOL

To All:

My firm represents Mississippi Power Company and its affiliated owners of Plant Victor Daniel Generating Facility in the accident investigation regarding scaffold collapse at Unit #2 boiler at Plant Daniel, located at 13201 Highway 63 Escatawpa, MS, on November 4, 2008 (the "Investigation").

This agreement is intended to govern the confidentiality, use and protocol of still photography, digital photographs, digital video and/or any other images (the "Photography") concerning the Investigation. This agreement governs and is to be executed by Mississippi Power Company, PIC Group, Inc., Land Coast Insulation, Inc. and Patent Construction Systems, their agents, experts, assigns, company representatives, attorneys, insurers, adjusters, contractors and/or vendors.

Regarding any Photography copyright owned by you, or which may later be owned by you by the taking of the Photography at Plant Daniel site at 13201 Highway 63 Escatawpa, MS (the "Site"), you hereby agree that the Photography will be used solely to support your Investigation and any claims, defenses and/or litigation concerning the incident that is the subject of the Investigation. You also agree that no cellular phones will be utilized during the Investigation to take any Photography of the Site. Your further agree that such Photography will not be used, displayed, reproduced, posted publicly, including to the Internet or World Wide Web, for any other purpose and further that such Photography will not be transmitted by e-mail attachment to anyone or posted to any Internet site.

The Photography may contain certain proprietary and confidential information of the Site. The Photography is to be kept confidential and is to be governed by the following protocol: You agree to present yourself each morning (or otherwise upon arrival at the Site) to the designated PIC Safety Coordinator at the PIC trailer on Site. There, you will sign in and present any Photography equipment to be utilized during the Inspection. At the conclusion of each workday, you agree to return to the PIC Safety Coordinator to copy/transfer/download all Photography to a master hard drive to be backed-up daily and maintained by PIC. Once copied/transfered/downloaded, your digital storage device/Photography device will be returned to your custody with the original Photography intact and in your possession, remaining on your device. You also agree to copy/transfer/download your camera and/or digital storage device of all Photography previously taken from the Site relating to the Investigation to the PIC Safety Coordinator’s master hard drive. You understand that this agreement applies to your agents,
Joint Protocol and Schedule for Selected Evidence Transportation, Storage, Non-Destructive Examination, and Selection of Specific Specimens for Further Analysis/Testing Under Separate Protocols

Regarding:
November 4, 2008
Scaffolding Collapse Unit No. 2 Boiler

Location:
Mississippi Power Plant Daniel
13201 Highway 63
Escatawpa, Mississippi

It is the recommendation of Engineering Systems, Inc. that all components of the collapsed scaffold be retained and preserved unless written authorization from all known potential parties of interest is submitted regarding the disposition of the non-selected collapsed scaffold components. Decisions pertaining to the ultimate disposition of potential evidentiary items are the responsibility of the parties of interest.

The following outlines the scope of the Selected Evidence Transportation, Storage, Non-Destructive Examination and Specific Specimen Selection Phase of the analysis. Further analysis should be conducted jointly with potential parties of interest, so as to afford them the opportunity to evaluate the evidence in its present state and to participate in further examination efforts that might be destructive in nature.

Further analysis efforts are still subject to the conditions previously outlined in the following:

November 17, 2008  “Consensus Protocol for Evidence Selection”
November 21, 2008  “Consensus Protocol for Selected Evidence Retention”
December 1, 2008  “Consensus Protocol for Non-Selected Evidence Retention”

Joint Protocol for Examination of Selected Evidence
Victor Daniel Power Plant
DATE: December 30, 2008
1 of 13
Collected
11/08/2008

Contained 36
Personal
Effects

Including 3 Cell
Phones
Evidence Chain of Custody

ESI File Number: 27986T

Description of Items:

5Z-A
cell phone-At&t Lg W/Battery
5Z-B
cell phone-At&t Samsung W/Battery
5Z-C
cell phone-Sprint Sprinter W/Battery

Clerked from boiler #2
Mississippi Power Plant Victor Damon

Relinquished by: Michael Crumpler
(Print Name)

Representing: FMC Corporation
(Company)

Date: 11/24/08

To: Matthew Berry
(Print Name)

Representing: Lateral Consulting Group
(Company)

Date: 11/24/08
November 14, 2008

Evidence found in garbage bags at Victor Daniel Power Plant
Escatawpa, MS
<table>
<thead>
<tr>
<th>Employee Name</th>
<th>Hourly Rate</th>
<th>Assigned Jobs</th>
<th>Hours Worked</th>
<th>Total Hours</th>
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<tr>
<td>Donald Sullivan</td>
<td>15.00</td>
<td>100</td>
<td>12.00</td>
<td>12.00</td>
</tr>
<tr>
<td>Carlos Galvan</td>
<td>14.00</td>
<td>150</td>
<td>11.50</td>
<td>11.50</td>
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<tr>
<td>Dolores Soto</td>
<td>14.00</td>
<td>150</td>
<td>11.50</td>
<td>11.50</td>
</tr>
<tr>
<td>Pedro Galvan</td>
<td>16.00</td>
<td>150</td>
<td>11.50</td>
<td>11.50</td>
</tr>
<tr>
<td>Roberto Angel</td>
<td>15.00</td>
<td>150</td>
<td>11.50</td>
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<tr>
<td>Gary Eagan</td>
<td>14.00</td>
<td>150</td>
<td>11.50</td>
<td>11.50</td>
</tr>
<tr>
<td>Juan Carlos</td>
<td>18.00</td>
<td>150</td>
<td>11.50</td>
<td>11.50</td>
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<tr>
<td>Miguel Arapa</td>
<td>16.00</td>
<td>150</td>
<td>11.50</td>
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<tr>
<td>Israel Zarate</td>
<td>16.00</td>
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<td>11.50</td>
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<tr>
<td>Robert Rusconi</td>
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<td>150</td>
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<tr>
<td>Silvana Jaram</td>
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<td>150</td>
<td>11.50</td>
<td>11.50</td>
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<tr>
<td>Eric Galvan</td>
<td>16.00</td>
<td>150</td>
<td>11.50</td>
<td>11.50</td>
</tr>
<tr>
<td>Felipe Medina</td>
<td>16.00</td>
<td>150</td>
<td>11.50</td>
<td>11.50</td>
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<tr>
<td>Lorena Ramas</td>
<td>16.00</td>
<td>150</td>
<td>11.50</td>
<td>11.50</td>
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<tr>
<td>Gerardo Pacheco</td>
<td>14.00</td>
<td>n/a</td>
<td>11.50</td>
<td>11.50</td>
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<tr>
<td>William J. Almodovar</td>
<td>16.00</td>
<td>n/a</td>
<td>11.50</td>
<td>11.50</td>
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<tr>
<td>Nathaniel Delgado</td>
<td>16.00</td>
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<td>Daniel A. Riveros</td>
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<tr>
<td>Jesus Victor Haddi</td>
<td>16.00</td>
<td>n/a</td>
<td>11.50</td>
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<tr>
<td>Armando Carpio</td>
<td>18.00</td>
<td>150</td>
<td>11.50</td>
<td>11.50</td>
</tr>
<tr>
<td>Byron Thomas</td>
<td>14.00</td>
<td>150</td>
<td>11.50</td>
<td>11.50</td>
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<tr>
<td>Timothy Caffey</td>
<td>12.00</td>
<td>150</td>
<td>11.50</td>
<td>11.50</td>
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<tr>
<td>Amanda Carson</td>
<td>10.00</td>
<td>150</td>
<td>11.50</td>
<td>11.50</td>
</tr>
<tr>
<td>Oscar A. Cruz</td>
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<td>150</td>
<td>11.50</td>
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<tr>
<td>Francisco Posada</td>
<td>14.00</td>
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<tr>
<td>Manuel Salgado</td>
<td>14.00</td>
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<td>11.50</td>
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<tr>
<td>Tracy James</td>
<td>19.50</td>
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<td>13.00</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>273.50</td>
</tr>
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</table>
Daily Sign in & out completed.

Alcino Jimenez Rodriguez
Illinois Funeral Home
Phil Gilmore 251-637-1672
### SCAFFOLD COMPONENTS

#### PLATE TRUSS

#### HEAVY HORIZONTAL

<table>
<thead>
<tr>
<th>Part No.</th>
<th>Bay Width</th>
<th>Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q2HH-5</td>
<td>5' 0&quot; (1.52M)</td>
<td>24 LBS. (10.89KG)</td>
</tr>
<tr>
<td>Q2HH-6</td>
<td>6' 0&quot; (1.83M)</td>
<td>29 LBS. (13.15KG)</td>
</tr>
<tr>
<td>Q2HH-7</td>
<td>7' 0&quot; (2.13M)</td>
<td>35 LBS. (15.88KG)</td>
</tr>
<tr>
<td>Q2HH-8</td>
<td>8' 0&quot; (2.44M)</td>
<td>40 LBS. (18.14KG)</td>
</tr>
</tbody>
</table>
PLATE TRUSS
SAFE ALLOWABLE LOADS FOR BEARERS AND TRUSSES

<table>
<thead>
<tr>
<th>GES PART NUMBER</th>
<th>DESCRIPTION</th>
<th>MAXIMUM UNIFORM LOAD (LBS./FT.)</th>
<th>ALLOWABLE CONCENTRATED LOAD AT CENTER (LBS.)</th>
<th>ALLOWABLE BEAMER DESIGN LOAD IN #/SQ. FT.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q23</td>
<td>2' BEARER</td>
<td>333</td>
<td>500</td>
<td>88</td>
</tr>
<tr>
<td>Q24</td>
<td>4' BEARER</td>
<td>294</td>
<td>600</td>
<td>50</td>
</tr>
<tr>
<td>Q58</td>
<td>5' BEARER</td>
<td>182</td>
<td>480</td>
<td>32</td>
</tr>
<tr>
<td>QT3R</td>
<td>5' ROD TRUSS</td>
<td>460</td>
<td>1115</td>
<td>75</td>
</tr>
<tr>
<td>QR6R</td>
<td>6' ROD TRUSS</td>
<td>312</td>
<td>940</td>
<td>52</td>
</tr>
<tr>
<td>QT7R</td>
<td>7' ROD TRUSS</td>
<td>243</td>
<td>850</td>
<td>41</td>
</tr>
<tr>
<td>QT8P</td>
<td>8' PL TRUSS</td>
<td>384</td>
<td>1509</td>
<td>64</td>
</tr>
<tr>
<td>QT9P</td>
<td>9' PL TRUSS</td>
<td>186</td>
<td>880</td>
<td>33</td>
</tr>
<tr>
<td>QT16</td>
<td>10' TRUSS</td>
<td>177</td>
<td>1000</td>
<td>30</td>
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<tr>
<td>QT20</td>
<td>20' TRUSS</td>
<td>130</td>
<td>1504</td>
<td>22</td>
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</tbody>
</table>

3', 4', 5' BEARER

5', 6', 7' ROD TRUSS

6', 10' PLATE TRUSS

16', 20' TRUSS

DO NOT EXCEED THE ALLOWABLE LOADINGS ShOWN IN THE ABOVE TABLES
# Heavy Horizontal

![Diagram of Heavy Horizontal](image)

<table>
<thead>
<tr>
<th>&quot;L&quot;</th>
<th>Part No.</th>
<th>Bay Width</th>
<th>Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>4'-10&quot;/32&quot; [1.48M]</td>
<td>Q2HH-5</td>
<td>5'-0&quot; [1.52M]</td>
<td>24 LBS. [10.89KG]</td>
</tr>
<tr>
<td>5'-10&quot;/32&quot; [1.78M]</td>
<td>Q2HH-6</td>
<td>6'-0&quot; [1.83M]</td>
<td>29 LBS. [13.15KG]</td>
</tr>
<tr>
<td>6'-10&quot;/32&quot; [2.09M]</td>
<td>Q2HH-7</td>
<td>7'-0&quot; [2.13M]</td>
<td>35 LBS. [15.88KG]</td>
</tr>
<tr>
<td>7'-10&quot;/32&quot; [2.39M]</td>
<td>Q2HH-8</td>
<td>8'-0&quot; [2.44M]</td>
<td>40 LBS. [18.14KG]</td>
</tr>
</tbody>
</table>
Support Beams

<table>
<thead>
<tr>
<th>Q.E.S. PART NO.</th>
<th>LENGTH &quot;L&quot;</th>
<th>WEIGHT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q2S-6</td>
<td>6' - 0&quot;</td>
<td>84.5 lbs.</td>
</tr>
<tr>
<td>Q2S-10</td>
<td>10' - 0&quot;</td>
<td>134.0 lbs.</td>
</tr>
</tbody>
</table>
Lay Down Yard
at Victor Daniel Power Plant

Tagging of Evidence
February 2, 2009

Portable Storage Container
Departed
Victor Daniel Power Plant
Escatawpa, MS
Evidence Transfer Form

ESI Project Number: 27986 T

Evidence Description: Remote Containing Container containing scaffolding components and other items

Relinquished by: PIC Group
Representing: PIC Group
Signature: Gerald Berry
Date: 02-02-09

Relinquished to: JAMES L. DAUGHERTY
Representing: ENGINEERING SYSTEMS INC.
Signature:
Date: Feb 2, 2009
February 3, 2009

Portable Storage Container
Arrived at ESI’s Test and Storage Facility
Kingwood, Texas
February 3-6, 2009

Evidence was removed from storage container, sorted and placed in secured storage within ESI facilities
<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Location</th>
<th>Serial Number</th>
<th>Date</th>
<th>Time of Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Window frame, broken glass</td>
<td>New York</td>
<td>123456789012</td>
<td>12/3/2008</td>
<td>10:00 AM</td>
</tr>
<tr>
<td>2</td>
<td>Door handle, torn fabric</td>
<td>New York</td>
<td>234567890123</td>
<td>12/3/2008</td>
<td>11:00 AM</td>
</tr>
<tr>
<td>3</td>
<td>Electrical panel, burned</td>
<td>New York</td>
<td>345678901234</td>
<td>12/3/2008</td>
<td>12:00 PM</td>
</tr>
<tr>
<td>4</td>
<td>Lighting fixture, broken</td>
<td>New York</td>
<td>456789012345</td>
<td>12/3/2008</td>
<td>01:00 PM</td>
</tr>
</tbody>
</table>

**March 2, 2009**

**Total Items**: 110

**655 Evidentiary Items**

**36 Personal Items** (3 Cell Phones)

**4 Pieces Preliminary Drawings**

**226 Documentary Items**
February 9-13, 2009

Visual, dimensional, and photographic documentation of evidentiary items was conducted at ESI facilities
Interim Certification Document

Part Description: Digital Template
Certification Date: 04/12/06

Single Point 8 Sigma: G12.000 ± 0.006
Linear Displacement 8 Sigma: G12.000 ± 0.018

Measurement Standards Traceability

Bar Bar 081
Asset Number: 626
Calibration Date: 06/26/06
SI Traceability: NPL-LSIT/125

Linear 1-12
Asset Number: 237
Calibration Date: 06/26/06
SI Traceability: NIST-12105721500

Certification Results
A basic four quadrant certification module with FARO Arm and comprised of: 2 vertical level single point repeatability test l in 4 quadrants with 3 repeats from 4 directions
Step Test 96 test in 4 quadrants, 3 orientations per quadrant

Instrument condition as received

Instrument condition outgoing

Within specifications

FarO Technologies, Inc.
Ph: 1-800-736-2771
Fax: 407-333-6096
125 Technology Park
Lake Mary, FL 32746
USA

2009/02/04 11:55:21
February 13, 2009

Evidence transported to
Anderson & Associates
Houston, Texas
Evidence Chain of Custody

ESI File Number: 27924T

Description of Items: See spreadsheet attached (2 pages)

Relinquished by: Dennis Scardino
(Print Name)

Representing: Engineering Systems Inc.
(Company)

Date: 2/13/09
(Signature)

To: James Battle
(Print Name)

Representing: Anderson & Associates
(Company)

Date: 2/13/09
(Signature)
February 16-20, 2009

Non-destructive testing was performed at Anderson & Associates
March 2, 2009

Evidence Transported from Anderson to ESI
Kingwood, Texas
<table>
<thead>
<tr>
<th>Evidence</th>
<th>Received by</th>
<th>Date Evidence</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑ Collected</td>
<td>☑ Received</td>
<td>03/02/09</td>
</tr>
</tbody>
</table>

**List of Specimens**

1. 104 various pieces of scaffolding
2. (see full list attached)
3. 
4. 
5. 
6. 
7. 
8. 

**Location Collected**

Anderson & Associates, Inc.
919 F.M. Road 1959
Houston, TX 77034-5425
(281) 481-5840

**Date In** | **Date Out** | **Disposition** | **Name of Individual** | **Company** | **Signature**
---|---|---|---|---|---
02/13/09 | 03/02/09 | | James Daughenbaugh | Sabrina Lewis of ESI |
Photography & Videography

<table>
<thead>
<tr>
<th>PIC</th>
<th>LandCoast</th>
<th>Patent</th>
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<tbody>
<tr>
<td>15,845 Photos</td>
<td>1281 Photos</td>
<td>884 Photos</td>
</tr>
<tr>
<td>61 Videos</td>
<td></td>
<td>4 Videos</td>
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<table>
<thead>
<tr>
<th>Anderson</th>
<th>Mississippi Power</th>
<th>Plaintiff</th>
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<tbody>
<tr>
<td>1839 Photos</td>
<td>367 Photos</td>
<td>9 Photos</td>
</tr>
<tr>
<td>26 SEM</td>
<td>3 Videos</td>
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</table>

Totals
20,225 Photos
68 Videos
26 SEM