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Zoe Lynn Powers, Esq.
Radler White Parks & Alexander LLP
111 S.W. Columbia Street, Suite 700
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Via email to zpowers@radlerwhite.com

Subject: *City of Fresno, CA vs. Carollo*

Dear Ms. Powers:

This will provide information concerning the above litigation.

This lawsuit was filed by the City of Fresno's Workers Compensation insurance carrier to recover benefits paid to a City employee injured by exposure to ozone gas in a water treatment plant designed by Carollo. Carollo specified an appropriate ozone monitoring system with an automated alarm, however, the contractor installed an incorrect type of sensor that would not function. At the time of completion of the project in 2018, the City began operating the facility while working directly with the contractor to correct outstanding punchlist items, including installation of the correct ozone sensor. Carollo's work on the project was complete, and we were not involved with this process, but we were advised that the City had supplied manual ozone sensors for its employees, and required that these be used until the specified sensors could be installed.

In September 2019, we received a written demand from the City's workers compensation carrier demanding reimbursement for the benefits paid to the injured worker. We did not reject the demand, but we did request an explanation as to why they considered our design to be at fault, given the above facts. The insurer did not respond to our request. In November 2021, the insurer filed suit, and we tried through discovery to understand the carrier's theory as to Carollo's fault, to no avail. The carrier didn't respond and ultimately dismissed Carollo from the lawsuit without any payment or settlement. Thus, Carollo is no longer a party to this litigation.

Carollo stands behind its work, and if we make an error we make our client whole without argument. In this case, however, we don't believe this was our fault, nor was it our client bringing suit. The City of Fresno, and particularly the City officials involved with the project in question, never considered us responsible for the incident. Our reputation and relationship with them remain strong.

I trust this clarifies Carollo's role, or lack thereof, in the lawsuit referenced in recent public comment testimony, but please contact me if you need additional information.

Sincerely,
CAROLLO ENGINEERS, INC.



Michael W. Barnes
General Counsel