

Harborside Condominium Trust
B Building Fire
Update to Owners on Inspection/Testing of B-5 Appliances
July 12, 2014

The Trust engaged attorney John Shaffer of Marcus Errico Emmer & Brooks to attend the inspection/testing of certain appliances and other evidence related to the fire at the Harborside Condominium conducted July 9, 2014, at the Traveler's Lab in Connecticut. The purpose of this communication is to briefly update the Unit Owners concerning the results of this inspection.

The inspection was attended by representatives of Traveler's Insurance and by experts representing: (i) Arabella Insurance (insurer for several unit owners affected by the fire); (ii) the unit owner; and (iii) Electrolux (the manufacturer of the Kenmore brand oven). The articles/evidence taken from Unit B-5 included the Kenmore gas stove, a microwave unit, venting hood, kitchen light units and a variety of other electrical components, switches and wiring. The parties had not pre-agreed to any testing or inspection protocol so the Traveler's representative indicated that the experts would be afforded an opportunity to inspect and document the condition of the evidence and then the parties would discuss next steps - likely invasive investigation (taking apart oven, etc.). There was a discussion about the facts surrounding the fire.

The experts spent an hour or so inspecting the oven and taking numerous pictures and measurements of the oven's exterior. The oven was still in self-cleaning mode, meaning that the door was locked. The experts never got to inspect the interior of the oven because Travelers and others determined that the inspection had to be suspended until two other potentially liable parties - Tom Jacobs, the contractor who completed the renovation of the kitchen of Unit B-5 and the manufacturer of the microwave - were put on notice and afforded an opportunity to participate in the inspection/testing. A theory that the fire possibly was caused by the microwave/vent unit and/or the installation of the oven and/or the microwave/vent is being considered.

Although no destructive inspection or testing of any of the appliances or electrical components was performed, a question about the possibility of testing for the presence of oven cleaner on/in the oven was posed. The Traveler's representative indicated that such chemical testing is not typically done unless there are indications that such chemicals could be responsible for the fire, a determination that cannot be made without an inspection of the oven's interior. She did however indicate that it was likely that the oven self-cleaning capacity would be tested, including the monitoring of exterior temperatures of the oven during the self-cleaning cycle.

Travelers will now put the other parties on notice and will thereafter arrange with all parties a continuation of the inspection/testing of the evidence.