

1 Q. Putting aside any discussion you had with
2 your attorneys, which are privileged conversations, and
3 I'm not asking about that, have you spoken with any
4 tree professional, such as an arborist, who has given
5 you an opinion as to why the subject tree failed?

6 A. Yes.

7 Q. Who have you spoken with?

8 A. Denice Britton.

9 Q. What did Ms. Britton tell you?

10 A. She told me her opinion about why the tree
11 fell.

12 Q. What did Ms. Britton tell you?

13 A. She said that the combination of an
14 unseasonable rain, which occurred the day before -- or
15 one or two days before the failure, followed by a heat
16 wave, caused the tree to bring more water up through
17 its root systems, through the trunk of the tree, up
18 into the foliage. And she said that would have changed
19 the center of gravity of the tree, and could cause a
20 spontaneous failure -- she also said combined with the
21 change in temperature in the morning hours from the
22 cold of night to the heat of the day.

23 Q. What else did Ms. Britton tell you about the
24 failure of the subject tree?

25 A. That's all I recall.