

## Expert Witness Projects since 2010

By Edwin X Berry, PhD, Certified Consulting Meteorologist

### 1. January – March 2010:

Represented Plaintiff in State of Montana v. Richard Edward Covington

Testified in the murder trial concerning the weather and temperatures at a crime scene, which data was needed to support the coroner's determination of the time of death.

#### Letter of appreciation:

From: Martha Aquilar [mailto:maquilar@co.yellowstone.mt.gov]

Sent: Wednesday, March 17, 2010 2:50 PM

To: Dr. Ed

Subject: RE: Covington, Richard DC 08-0526

Please be advised the jury has returned a GUILTY verdict on ALL counts. A sentencing date has yet to be set.

We appreciate your assistance and testimony in this matter.

[http://billingsgazette.com/news/local/crime-and-courts/article\\_18cf4428-31f8-11df-a039-001cc4c03286.html](http://billingsgazette.com/news/local/crime-and-courts/article_18cf4428-31f8-11df-a039-001cc4c03286.html)

### 2. August 2010 – May 2011

Testified for the defense in Ayotte v. State of Montana et al

Testified in deposition a storm that caused critical damage and severe injury was within normal weather expectations concerning and not a unique event outside normal expectations.

#### Letter of appreciation:

We hired Dr. Berry as an expert witness in a case involving major injuries in which an advertising sign was blown into a highway striking an individual in the face. While the subject sign was rotten and ill-maintained, we faced a particularly strong "act of God" defense, which was supported by an opposing weather expert who claimed the wind was 97 mph. Dr. Berry ably rebutted the defense claims, writing an expert report and performing very well during his deposition. The subject matter was difficult, but thoroughly explained by Dr. Berry. He was obviously very educated in meteorology and atmospheric physics, wrote a great report and handled cross-examination during his deposition well.

Justin Stalpes, Esq.

BECK & AMSDEN PLLC

Bozeman, Montana

### **3. May – June 2011**

Organized the successful Opposition by Intervenors against the Petition for Original Jurisdiction by *Our Children's Trust*, which claimed human emissions of carbon dioxide threatens the Earth's atmosphere and that continued emissions will cause damages to the next generation.

[http://edberry.com/SiteDocs/PDF/CPI/Answer-Proposed-short-060311\(2\).pdf](http://edberry.com/SiteDocs/PDF/CPI/Answer-Proposed-short-060311(2).pdf)

<http://climatephysics.com/category/barhaugh-v-montana/>

### **4. February 2013**

Testified in the Montana Legislature Committee on Natural Resources against the bill HJ 10. HJ 10 was to be a Joint Resolution of the Senate and the House of Representatives of the State of Montana stating that Climate Change is scientifically valid and represents an Ecological Threat.

Rep Doug Coffin, Professor of Molecular Biology, University of Montana, Missoula, sponsored HJ 10. He and some 16 witnesses from environmental organizations testified that Montana must pass HJ 10.

I was the only scientist who testified against HJ 10. Following my testimony, the Committee tabled HJ 10.

You can read about HJ 10 and my testimony here:

<http://climatephysics.com/category/climate-politics/montana-hj-10/>

### **5. August – September 2013**

Represented plaintiff in Michael H. Peretti v. The Department of Revenue, State of Montana.

Testified in hearing at Montana State Capitol on September 12, 2013, concerning the mathematical and statistical mistakes made by DOR in its valuation of Peretti's waterfront property on Flathead Lake. This used my mathematical expertise in automated valuation models (AVM) for real-estate valuations. In 1999, I developed complete software for an AVM for a startup company, using artificial intelligence mathematics developed for weather forecasting. In 2000, my AVM scored highest of all models in the Bank of America independent tests. In the Montana case was able to show how the DOR made serious statistical and mathematical mistakes in its valuation of properties for tax purposes.

### **6. May – September 2014**

Consultant for Attorney Pat Risken of Evans, Craven & Lackie in Coeur d'Alene, Idaho, in the case Kobrick/Burnett v. Sawmill Point Development, et al. I used USGS stream flow data, lake level data, and NOAA weather data to show that flooding near a home on the north side of Coeur d'Alene Lake was a result of rare weather conditions. Deposition.

### **7. January 2016**

Consultant for Attorney J.R. Casillas of Datsopoulos, MacDonald & Lind, P.C., in Missoula, Montana. I provided wind data summaries relevant to a wind-caused accident.