



QUIST, CONE & FISHER
PLLC

Michael A. Durr

Direct: 865.312.0440

mdurr@qcflaw.com

Friday, September 27, 2013

Sent by certified mail, RRR
& e-mail to kirkw78@gmail.com

Napoleon Propane, LLC
c/o Mr. Kirk Woods
907 Oakwood Avenue
Napoleon, OH 43545

Re: 35-3D64-724 Collins | September 25, 2013 fire in Liberty Center, Ohio

Dear Mr. Woods:

State Farm Fire and Casualty Company has retained this law firm to protect its subrogation interest arising out of an explosion and fire that damaged the home of Mr. Steven Collins. The home is located at or about South 108 County Road 9 in Liberty Center, Ohio. The fire occurred on or about September 25, 2013. A press account is attached. A preliminary investigation suggests that your work at the residence may have played a role in causing the fire.

The area where the fire began is still available for inspection. But demolition and reconstruction efforts must begin shortly to minimize interruption to Mr. Collins and to his neighbors. **Therefore, a final joint inspection has been scheduled for 9:00 a.m. EST on Tuesday, October 15, 2013.**

Following the site inspection on the 15th, demolition, clean-up, and repairs will commence. Therefore, if you choose not to attend this inspection, you may lose the opportunity to inspect certain evidence.

You should know that State Farm may ultimately determine that your company is responsible for the damage caused by the fire. Therefore, you should forward this letter to your company's liability carrier immediately to preserve its rights with that carrier.

If you are aware of other parties who may have an interest in the damaged property or who might be liable for the fire or the damage it caused, we will rely on you to provide a notice such as this to that party as soon as possible.

Friday, September 27, 2013

Page 2

It is critical that our investigators interview all those involved in performing work at the residence before the fire as soon as possible, while memories are fresh and the scene still exists.¹ So please provide this notice to all such individuals and, with respect to those within your control, have them present at the inspection to be interviewed.

Please note that the property is not an open loss site. Therefore, for evidentiary purposes, all investigations of the loss site must be coordinated and supervised by this office. Inspecting the site without permission would be trespassing; removing evidence from the site without authorization would be theft. In addition, any person who desires to inspect the site must provide to us his or her name, address, phone number, email address, and identify whose interests he or she represents.

Finally, while State Farm may “stand in the shoes” of its insured(s) with respect to its recovery rights, this is notice to you that they are not agents of State Farm and have no authority to advance, negotiate or release any claims that State Farm may have arising out of or related to this fire loss.

Please call if any of this is unclear. Thank you.

Sincerely,

Quist, Cone & Fisher PLLC



By: Michael A. Durr

Attachment (09/25 Toledo Blade press account)

¹ See *Systematic Analysis of Witness Statements for Fire Investigation* by Justin Geiman and James Lord, *Fire Technology* (4 February 2011) (“The ability of witnesses to accurately recall observations from a fire scene generally decreases as time goes by, and as post-event sources of information such as media reports or discussions with family become available. Therefore, it is best if interviews of witnesses occur concurrently with, or at least proximal to the fire scene examination.”) See also NFPA 921 sections 13.4.2.1 (explaining that interviews should be conducted “as soon as possible after the fire or explosion event”) and 13.4.2.2 (“it may be helpful to the investigator to conduct preliminary interviews before the fire scene examination.”)

Sheriff ID's victims in Liberty Center house explosion

BLADE STAFF



The scene of a house explosion near Liberty Center, Ohio, in Henry County.

THE BLADE/DAVE ZAPOTOSKY

[Enlarge](#) | [Buy This Photo](#)

LIBERTY CENTER, Ohio -- The Henry County sheriff's office has identified the victims of a house explosion today that killed a woman and injured a man.

Judy Garwood, 63, of rural Holgate, died during the explosion. Homeowner Steven Collins, 73, was taken to Mercy St. Vincent Medical Center, Toledo, where he was listed in fair condition.

The cause is undetermined but a gas leak is suspected, according to the sheriff's office.

[Click here to view related gallery.](#)

The explosion in Henry County occurred at 7:27 a.m., leaving a quarter-mile-wide debris field in its path. Ms. Garwood was initially missing but her body was later recovered from the debris.

Mr. Collins was initially taken to Henry County Hospital, according to Tracy Busch, director of the Henry County Emergency Management Agency.

Officers from the Henry County Sheriff's Office and firefighters from four departments -- Liberty Center, Delta, Ridgeville, and Napoleon -- responded to the scene.

Lyndsey Kregulka, 23, one of several neighbors at the scene, said she and Tyler Murray, 20, were the ones who had pulled Mr. Collins from the burning debris.

Ms. Kregulka said she was at home about a half mile down the road when she heard "the boom," walked outside and saw smoke. She said she and her father then drove to road intersection, about 200 yards from the scene.

There was a Liberty Center Local Schools' school bus filled with children in grades K through 12 stopped just 200 yards from the home that exploded at the time it happened but none of the children were injured, Mr. Busch said. The homes on either side of the destroyed home, which is at S-108 County Rd. 9, were evacuated and do have structural damage, Mr. Busch said.

Mr. Busch said counselors were at school to console the children who were on the bus and others who might need it. A reporter seeking comment was later turned away from the school buildings by school officials who refused comment. Kristi Thompson, the schools' superintendent, was unavailable for comment.

Shortly after 9:30 a.m., a dozen firefighters were seen combing a field across the street from the destroyed house with Mr. Busch confirming crews were looking for a woman who was staying at the home. About 90 minutes later, crews found the body of Ms. Garwood.

Today's explosion comes just over a week after a home exploded in Troy Township near Stony Ridge, Ohio, killing two people and injuring three.

Michael Duchesne, a spokesman for the state fire marshal, said the cause of the explosion in Troy Township remains under investigation. It will be several weeks, he said, before autopsy results are available, and the investigation into the cause would stay open until then at a minimum. He said the insurance company for the residence is still conducting its investigating as well.

Troy Township fire Chief Randy Woodruff said today there were no additional details about the cause of the explosion other than what was known that day, Sept. 17. There definitely was a liquid propane leak, more than likely inside the home, but it is "unknown what sparked it," he said. He said he had heard about the explosion in Henry County, calling it "horrific."

The explosion last week prompted some calls to propane providers from residents asking for safety inspections.

Jeannie Detmer, the executive director of the American Red Cross Henry County chapter, said Red Cross volunteers were assisting two families with accommodations.

Liberty Center is about 30 miles southwest of Toledo.

Copyright 2013 The Blade. All rights reserved. This material may not be copied or distributed without permission.

Michael A. Durr

From: Michael A. Durr <mdurr@qcflaw.com>
Sent: Friday, September 27, 2013 9:13 PM
To: 'kirkw78@gmail.com'
Subject: 35-3D64-7244 Collins | September 25, 2013 fire in Liberty Center | Notice of Potential Legal Claims & Final Inspection
Attachments: 13.09.27 Collins - Notice to Napoleon Propane.pdf

Mr. Woods:

Thank you for speaking with me earlier this evening. Attached is notice to you of potential legal claims and of a final scene exam on October 15, 2013.

Thank you.

Michael A. Durr | Quist, Cone & Fisher, PLLC
800 South Gay Street, Suite 2121, Knoxville, TN 37929
Direct: 865.312.0440 E-mail: mdurr@qcflaw.com

Notice: This communication, including attachments, may contain information that is confidential and protected by the attorney/client or other privileges. It constitutes non-public information intended to be conveyed only to the designated recipient(s). If you are not the intended recipient, or you believe that you have received this communication in error, please notify the sender immediately by return e-mail and promptly delete this e-mail, including attachments without reading or saving them. The unauthorized use, dissemination, distribution, or reproduction of this e-mail, including attachments, is prohibited and may be unlawful. Receipt by anyone other than the intended recipient(s) is not a waiver of any attorney/client or other privilege.