



QUALIFICATIONS

Architect and construction manager with more than 36 years of valuable experience in the US and internationally, in design, construction management and contracting, and business management. Has participated actively in a wide variety of project types both as designer and as construction manager. Experienced as expert witness in state and Federal courts.

Mr. Wheatley is Chief Executive Officer of WHEATLEY US LIMITED and Chairman and Managing Director of WHEATLEY UK LIMITED. THE WHEATLEY COMPANIES^(SM) are GLOBAL STRATEGIC PARTNERS^(SM) with other consulting firms around the world, whose forces supplement the staff of THE WHEATLEY COMPANIES^(SM).

PROFESSIONAL LICENSES

Registration/Licenses as Architect:

- Pennsylvania, RA 011794-B
- Formerly licensed in Maryland, New Jersey, Texas and the Empire of Iran

EDUCATION

- Rice University: College of Architecture, 1962-1966
- University of St. Thomas (Houston), BA 1972, Philosophy/Theology
- University of Houston, Postgraduate: Studies in Engineering (1974-1976)

PROFESSIONAL AFFILIATIONS

- American Institute of Architects (AIA)¹ (Former Member)
- Royal Architectural Institute of Canada (RAIC) (Former Member)
- Pennsylvania Society of Architects (PSA) (Former Member)
- International Code Council (ICC)
- American Bar Association (ABA, Associate); member of Construction Litigation Committee of the ABA Section of Litigation, the Construction Committee of the Dispute Resolution Section, and of the Forum on the Construction Industry
- Greater Philadelphia Chamber of Commerce
- The British American Business Council
- The Union League of Philadelphia

GENERAL EXPERIENCE

Mr. Wheatley has more than thirty-six years' experience in architecture, engineering, construction project management and business management. Project experience includes nuclear power; institutional research facilities, biological laboratories, pharmaceutical facilities, electronic research and production facilities; schools; hospitals; industrial process plants; car dealerships, vehicle repair shops; commercial, retail and institutional buildings; store and restaurant design and design of store and kitchen fixtures; parking garages; correctional facilities; housing; resorts and hotels. His responsibilities have included architectural and engineering design and management, production of drawings and specifications, preparation of construction estimates and CPM schedules, bidding of general contracts and subcontracts, procuring and expediting materials and components, cost control and complete management of the construction process in the field and the office.

Mr. Wheatley's professional activities include management, design and construction consulting; forensic schedule analysis for delay claims and productivity issues; inspection and monitoring of the construction process; construction product liability issues; construction means and methods; construction quality issues; construction safety practices; and expert testimony in both State and Federal Court.

¹ Mr. Wheatley resigned his membership in professional architectural societies upon retiring from active design practice in 2004. He maintained his membership in the AIA, RAIC and PSA during his active practice of architecture. All other memberships listed are active.

ARCHITECT AND CONSTRUCTION MANAGER

REPRESENTATIVE PROJECT EXPERIENCE

Dow Chemical Medical Facilities, Near Freeport, TX. Project Architect for the design of three emergency care facilities utilizing a "mini-hospital" approach.

Twelve Oaks Medical Centre, Houston, TX. Project Manager for Master Plan for project that involved the design and construction for a 500-bed hospital, 17-storey professional office tower and a 1,000-vehicle car-park structure. Project Manager for design of professional building and parking garage.

Community Hospital of Brazosport, TX. Project Manager/Project Architect for an 11-bed Intensive Care Addition to the existing hospital. He produced a phased project plan to maintain continuous operation of the hospital and implemented special air filtration and air quality monitoring equipment.

Penn State University Agricultural Science and Industries Research Laboratory, State College, PA. Served as the Project Manager on a \$20 M project involving the design of a new research laboratory building. Project included department offices, research laboratories, animal biological research facilities and housing, and instructional space.

Penn State University Biomedical Research Laboratory, State College, PA. Served as the Project Manager on a \$10 M project involving the design of a new research laboratory within the existing Biological Research Building. Project included department offices and biomedical research laboratories.

Pahlavi Hospital and Medical Centre, Tehran, Iran. As consultant to Government of Iran, conducted design and constructibility reviews of the 50-storey Pahlavi Medical Centre Tower.

Management Training for PSE&G. Headed a training team that provided an in-house project management training program to contract managers and project managers for PSE&G, the New-Jersey electric power company. The training was conducted on-the-job during project formation for a design/build project to guide contract managers and project managers in ways and means to organize and manage such projects.

Coal Gasification Project, Butte, Montana. Served as Project Architect for a \$250M coal gasification project to develop a coal mine that produced combustible products to be shipped by pipeline to gas-fired power plants in the US. The coal is mined, crushed, and heated in specially designed, below-ground retorts to produce combustible gas for compression and distribution by pipeline. Mined coal was also crushed into small particles and liquefied to slurry by the addition of water and shipped by pipeline as a slurry that was used as fuel for boilers. Mr. Wheatley designed the process buildings and foundations, including the crushers, retorts, slurry liquefiers, pump houses, air handlers for the mines, conveyors and mine rails.

Limerick Nuclear Project, PA. For PECO, served as a Lead Civil Field Installation Engineer at a \$10 billion nuclear generating station. Managed team of 57 field engineers supporting construction of reactor building and modification of reactor vessel head. Modified the reactor vessel head to prevent blow-out of the O-ring seals. Wrote procedures for and supervised performance of negative leak rate tests for primary and secondary containment structures as part of the licensing procedure.

Community Facilities, Abadan, Iran (Design/Build). Principal and Project Manager for design and construction of 35,000 homes and government centre including water and wastewater treatment plants, roads and utilities, medical facilities, jail, school, mosque and community facilities.

Qatif Oil/Gas Separator & Pipeline, ARAMCO, Saudi Arabia. Served as the Engineering Coordinator (assistant to Project Manager) on this \$300M project involving a gas/oil separation plant and a pipeline from the oil field to the plant and from the plant to tanker loading facilities.

ARCHITECT AND CONSTRUCTION MANAGER

Wasia Water Injection Project, ARAMCO, Saudi Arabia. Served as the Project Architect/Assistant to Project Engineering Manager on \$350M project for ARAMCO. Project involved water wells and injection wells, water pipelines from water extraction field to water injection field, water pumping stations, oil pipelines from oil field to port loading facility and oil pumping stations.

Delaware County Prison, Thornton, PA. Project Manager for the programming of the design and construction of a 200-bed addition to an existing 900-bed county prison. The \$20M expansion program involved modification to dining, kitchen, storage and other support facilities.

The Montgomery School, PA. Project Manager in charge of site master planning, site civil engineering and mechanical and electrical engineering to convert an historic farmstead into new facilities for a prestigious, 78-year-old private school.

Various Townhouse/Apartment Projects, Various States. Served as the Project Architect on more than 10,000 units located across the U.S.

American Hoechst Corporate Headquarters (Ph. 1) and Expansions (Ph. 2 & 3), Bayport, TX. Served as the Project Manager responsible for Design/Build. Project involved the regional corporate headquarters and engineering office building, security control centre, employee locker and break facilities, maintenance shop and plant engineering facility.

NL Atlas/Bradford Industries, Houston, TX. Project Manager for design and construction of a large machine shop and a central chiller plant and office building for the pipe manufacturing plant.

Office Buildings, Houston, TX; Atlanta, GA; Tulsa, OK; San Antonio, TX; Austin, TX. As Project Architect, planned and designed more than 20 office buildings and four corporate headquarters.

School Design, Texas and Pennsylvania. Project Architect for more than forty school projects in Texas and Pennsylvania.

<p>REPRESENTATIVE LITIGATION EXPERIENCE</p>

Mr. Wheatley has testified as an expert in schedule analysis for construction delays, architectural and engineering design, design errors and omissions, treated wood products, causes of roof collapse and roofing failures, safety standards and their application at industrial and construction sites, building codes and fire prevention, construction management standards and practice, quantification of damages resulting from design errors and omissions, damages resulting from environmental cleanup, and causes of building materials and building systems failures.

Trammell Crow and Almedica; Pharmaceutical Packaging Plant in Northern New Jersey. As architectural expert on an expert team for pharmaceutical packaging company and the builder/developer that constructed a new plant for the packaging company, evaluated architectural design and the performance of the architect in connection with the failure of the air conditioning system to perform to temperature and humidity requirements. Wrote the section of the expert report dealing with the architect, testified in deposition and at trial, resulting in a verdict of damages in favor of the Client.

Merck West Point Pharmaceutical Plant. Served as Project Manager for investigation of claims filed by mechanical contractor and assisted Construction Manager in its negotiation of a satisfactory settlement with the mechanical contractor.

Roof Collapse, Errors and Omissions, Industrial Facilities, Pennsylvania. For manufacturers of pre-engineered building system, investigated causes of roof collapse during snowstorms in two separate matters. In one, produced expert report demonstrating that design modifications produced by architect and building owner, not the design of the

pre-engineered system, caused the collapse. In the other, demonstrated that damage to the columns of the structure and modification of the structure by the owner subsequent to the original construction caused the roof to collapse and that the design by the Client was adequate for the actual superimposed loads. Both matters settled after Mr. Wheatley's testimony in deposition.

Delay and Disruption, NEPCO Power Plant Project, Pakistan. For NEPCO, the engineering and construction division of ENRON in litigation against the project insurer, led expert team that developed schedule analysis of delay events during construction of a large power plant project in Pakistan along with valuation of damages, and participated with scheduling expert and damages expert in the preparation of their Expert Reports. Wheatley's experts assisted in a mediation effort that was not successful, and will give evidence at trial in the UK.

Roof Collapse, Errors and Omissions, Hazleton Area School District, Pennsylvania. For school district whose new school suffered a structural collapse of the roof under snow load during a snow storm, investigated causes of roof collapse and prepared expert report demonstrating that the roof structure was grossly under-designed by the architect and engineer in violation of building codes and that this caused the collapse. Case settled after production of expert report.

Water Infiltration, Mercersburg Academy, PA. For prestigious Mercersburg Academy, performed investigation to determine causes of water infiltration in newly constructed Lenfest Library Building, and worked alongside architects who designed remediation of the problems to document their work and the reconstruction work performed by a specialty contractor. Produced Expert Report used by the Academy to launch litigation against the architect and the contractors. Participated in a mediation session. Will testify at trial if the matter does not settle.

Destruction of Building by Fire following Lightning Strike, Pennsylvania. For Butler, manufacturer of pre-engineered steel building system, performed investigation and produced Expert Report demonstrating that the design by the pre-engineered steel building manufacturer was in accordance with industry standards, that the fire was likely caused by the lightning entering the building through piping or electrical wiring and not as a result of the lightning penetrating directly into the interior of the building. The case settled favorably for the Client after the production of the Expert Report.

Failure of Masonry Wall System, North Pocono School District, Pennsylvania. For school district, evaluated causes of failure of new masonry wall system. Prepared expert report demonstrating that design errors and construction defects caused the failure. The matter settled prior to trial.

Hospitals, Several Locations (Design Issues and Delay Claims). Provided claims analysis for architectural and engineering changes and the installation of a fire suppression system at several hospitals – including Presbyterian Hospital in New York City and a Veterans Administration hospital in St. Louis, Missouri, resulting in settlements favorable to client.

Train Maintenance Facility, NJ (Errors & Omissions). Assisted NJ Transit to resolve claims involving the design and construction of a \$60M train maintenance facility. Evaluated architectural and engineering design issues and design changes for errors and omissions, performed estimates of their cost impact, and provided expert witness services, resulting in substantial contribution by design firm towards overall settlement.

Industrial Office/Warehouse, NJ (Errors and Omissions). Provided expert evaluation of adequacy of design and construction of an industrial office/warehouse. Evaluated design documents, inspected completed building, analyzed code issues, and provided expert report resulting in settlement of the case without trial.

Conversion of Mill and Factory to Apartments, New Hope, PA and Jersey City, NJ (Errors and Omissions & Delay Claims). Project Manager for claims analysis for The Waterworks Project to convert of an old mill to luxury condominiums. Responsible for evaluating contractor performance, developing issues and analysis, site visits, and review of key documentation. Provided preliminary statement of opinions resulting in settlement without trial. For developer of conversion of old pencil factory into luxury apartments, evaluated delays due to unanticipated environmental problems experienced at the site. Both matters settled prior to trial.

Army Hospital, Fort Polk, LA (Errors and Omissions). Performed evaluation of design documents, project correspondence and other documentation in connection with claims of errors and omissions by the design professionals. Case resulted in a settlement favorable to client.

Federal Office Building, NY (Errors and Omissions). Performed claims analysis for a \$40M construction project. Reviewed design and analyzed problems arising during construction of building systems, including window and masonry problems.

Housing and Commercial Buildings, Failure of Fire Retardant Treated Wood. For Johnson Controls, a division of which, Hoover Universal, had been responsible for the provision of fire retardant treatment for construction lumber and plywood, prior to its acquisition by Johnson Controls, provided inspections, analysis, and expert consulting services in a large number of separate litigation matters throughout Central and Eastern US, some of which are still ongoing.

Fire Damages, Multi-Use Building, Philadelphia, PA, USA. For insurance carrier, investigated the effects of a fire in a commercial building in Philadelphia and analyzed the owner's claimed costs, following which the matter settled.

Hotel Construction Litigation, PA. For owner of a hotel, investigated issues in dispute with contractor involving delay, disruption, extra costs, and defective workmanship and wrote expert report. If matter proceeds to trial, will provide expert testimony at trial.

Personal Injuries, Parking Lot, Philadelphia, PA. For tenant of property containing a parking lot, provided evaluation of the condition of pavement at the time plaintiff fell on the pavement, suffering injuries, and wrote Expert Report. If matter proceeds to trial, will provide expert testimony at trial.

Personal Injuries, Traffic Accident at Fast Food Restaurant, Atlanta, GA. For plaintiff, analyzed site configuration of parking and driveways at a fast food restaurant in Atlanta, GA, developed expert opinion as to the role of the site configuration in an accident in which a car struck and injured plaintiff, a pedestrian on the property, prepared expert report and gave deposition testimony, following which the matter settled favorably for Client.

Personal Injuries, Parking Lot at Fast Food Restaurant, Atlanta, GA. For owner of Fast Food Restaurant in Atlanta, Georgia, evaluated role of site configuration and pavement condition in connection with a personal injury resulting from the fall of a pedestrian on the property and wrote Expert Report, following which the matter settled favorably for Client.

Gas Pipeline Project Delays, OK. For contractor constructing gas pipeline, evaluated delays and disruptions suffered by contractor and assisted in evaluation of damages suffered as a result of the delays. Participated with damages expert in writing joint Expert Report. If matter proceeds to trial, will provide expert testimony.

Parking Garage Collapse, Construction of Hotel and Casino, NJ. For a mechanical contractor involved in the construction of a new Hotel and Casino in Atlantic City, New Jersey, assisted damages expert in evaluating damages suffered by contractor as the result of the collapse of an adjacent parking garage being constructed by others.

ARCHITECT AND CONSTRUCTION MANAGER

The event caused delay and disruption to the mechanical contractor and destroyed some of its fabricated components and materials. Participated in preparation of Expert Report. The matter settled prior to trial.

Delay and Disruption, Construction of Hotel and Casino, NJ. For a mechanical and roofing contractor involved in the construction of a new hotel and casino in Atlantic City, New Jersey, evaluated delays and impacts to the work resulting from design changes and other causes. Assisted in the evaluation of damages. Participated with the damages expert in the preparation of a joint Expert Report. The matter settled prior to trial.

Defects in Flooring System, Animal Hospital, PA. Provided expert services to owner for case involving defective installation and materials for a synthetic flooring system. Evaluated technical issues, assessed cost impact, and testified at two trials, both resulting in judgements for client.

Failure of Masonry Wall System, Pharmacy in PA. For owner of a building leased to a pharmacy company, is evaluating settlement of foundation resulting in cracking and potential failure of masonry wall system, claimed by tenant as sufficiently severe to render building unsafe, which tenant claims justifies termination of the lease. Will provide expert report, deposition testimony, and if the matter proceeds to trial, testimony in court.

Delay, Disruption, and Extra Costs, Ras Tanura Refinery, Saudi Arabia. For Stone & Webster, turn-key design/build contractor for utility systems reconstruction for ARAMCO's Ras Tanura Refinery Upgrade Project, served as Project Manager for team of experts including scheduling, mechanical engineering, process engineering, and construction experts, to evaluate claims of owner-caused delay, disruption, and uncompensated extra work from principal construction subcontractor. Mr. Wheatley's team prepared Expert Report in rebuttal of subcontractor's claim. Mr. Wheatley's team also prepared a claim for Stone & Webster against ARAMCO, which included both Stone & Webster's causes of claim and a pass-through of the subcontractor's claim. Selected experts from Mr. Wheatley's team are among the very few Westerners have been accepted as Experts and have given evidence in Saudi Arabia in an arbitration under Shariah rules.

Delay, Disruption and Extra Costs, Power Plant Project, Oman. Stone & Webster UK Ltd., turn-key design/build contractor, undertook the design and construction of the new Saih Rawl gas-fired turbine power plant in the desert of central Oman, which was being constructed simultaneously with a natural gas processing plant. The power produced by the power plant would be used by the gas processing plant and would also feed the national grid. Waste heat from the exhaust from the gas turbines was routed through a heat exchanger to capture the heat for use as process heat by the gas processing plant. The power plant was to burn gas from the gas processing plant. The power plant was to be in operation prior to the gas processing plant, and so the power plant project included a small, skid-mounted gas processing plant to treat the raw gas that would be used prior to the operation of the large gas processing plant being built by others. Stone & Webster experienced delays resulting from a complete re-organization of the planned site plan required by the Owner, which also resulted in a substantially larger quantity of pipe. There were also delays caused by other factors outside of the control of Stone & Webster. When the power plant started operations, gas being provided for it was of a different composition than had been anticipated, and the temporary gas processing plant was not capable of treating it adequately for the resulting fuel to be usable by the gas turbines. The delays and disruptions resulted in extra costs, in addition to the extra costs of the additional piping materials required and the re-building of the temporary gas processing plant. Mr. Wheatley was Project Manager for a team of experts, including civil engineering, construction, scheduling, and process engineers, that produced a claim document for presentation to the client. Mr. Wheatley participated directly as a negotiator alongside a senior executive from Stone & Webster in negotiations in Oman that settled the claims.

ARCHITECT AND CONSTRUCTION MANAGER

AWARDS, PUBLICATIONS AND HONORS

COLLEGIATE

- National Merit Scholar
- U. S. Navy Scholarship (NROTC)
- Rice University Representative to Texas Intercollegiate Students' Association
- Regional Chairman, Texas Intercollegiate Students' Association
- President, Rice Newman Society (campus religious organization)
- Member Rice Players (student drama organization)
- Editor of *Southern Tissue*, the University of St. Thomas literary magazine

DURING PROFESSIONAL CAREER

- Presented CEC seminar on "Minimizing Design Errors" for the ABA Forum on the Construction Industry's Ninth Annual Meeting. Co-authored article by same name published by the ABA in the proceedings of the Forum, *Design Issues in Construction*. Abstract of this article was also published in *The MDC Advisor*.
- Presented seminar on "Computer Animations as Demonstrative and Forensic Evidence" to Canadian College of Construction Lawyers.
- Presented seminar to attorneys on "Using Computer Graphics to Prove Construction Claims" for the *inSIGHT* conference in Toronto on *The Construction Claim - Analysis, Quantification and Resolution*.
- Presented seminar on "So You Thought Design/Build would Eliminate Claims" at the 1998 *Construction SuperConference*.
- Presented seminar on "Re-Starting Stalled Projects" at the 1999 *World Economic Development Congress* in Washington, D.C.
- Authored article, "Re-Starting Stalled Projects" in *World Markets 2000*, the proceedings of the 1999 World Economic Development Congress.
- Authored article, "Restarting Stalled Projects & Lessons Learned for Your Future Projects," published in the Proceedings of the 2000 *Forbes Construction SuperConference*.
- Presented seminar on "Preventing Project Investment Disasters" for the Middle East Summit 2000 presented by *Middle East Economic Digest* (MEED).
- Authored article, "Preventing Project Investment Disasters" published in the *Proceedings of the Middle East Summit 2000*.
- Presented Forum, "Failure Prevention and Disaster Avoidance – the Two Keys to Success in Water and Waste Water Projects," the *Forbes Environmental SuperConference 2000* in Washington, DC.
- Co-authored textbook, *The Americans with Disabilities Act - Compliance and Cost Implications*, and taught course on the ADA offered nation-wide by Means, Inc.
- Served as President and on the board of The Choral Society of Montgomery County, Pennsylvania. Served as an officer and member of Board of Directors of The Mastersingers.
- Served on Board of the Foundation for Anglican Christian Tradition.
- Serves on the Vestry and as Warden of The Church of the Good Shepherd, Rosemont, PA.
- Listed in Marquis' *Who's Who* publications:
 - Who's Who in Industry and Finance*
 - Who's Who in Science and Engineering*
 - Who's Who in the East*
 - Who's Who in America*
 - Who's Who in the World*.
- Listed in Strathmore's *America's Registry of Outstanding Professionals*
- Mr. Wheatley's biography is included in the *Cambridge Outstanding People of the 21st Century*.