

Jed Davis
(Maine and New York)

Elizabeth Mitchell
of Counsel

Aglaia Davis
of Counsel
(New Jersey and New York)

Jennifer M. Bryant

Jim Mitchell and Jed Davis, P.A.

Lawyers

*86 Winthrop Street, Suite 1
Augusta, Maine 04330
(207) 622-6339; 1-888-611-4823
Fax (207) 622-6549*

Email: Jed, Aglaia, or Jennifer @mitchellanddavis.com

*In memory of Philip Davis
1908 - 1998*

*In memory of James E. Mitchell
1941 - 2016*

April 9, 2021



Falmouth, Maine 04105

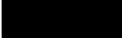
RE: 

Dear Attorney 

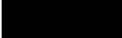
September 16, 2019 will be remembered as a day of utter devastation for many people – one losing his life and many others losing their livelihoods and health – due to 's negligence.

's life – as it was – literally ended that day.

Until 8:17am,  was a very healthy, active, athletic, outgoing, social, 69-year-old wife, mother and grandmother who enjoyed a wide variety of physical activities including reading, writing and editing books, writing and editing her music, singing, playing her instruments, cooking, baking, cleaning her home, gardening, yard work, traveling in her car, operating a yearly family bakery and farmers' market business, spending time with her children, playing with and caring for her eight grandchildren enjoying many diverse physically active outdoor activities with them, attending college, professional writing, paid and volunteer teaching activities, paid work for  and other volunteer work.

 is a college graduate who earned a Bachelor's Degree of Fine Arts in Creative Writing. She attended schools in Ireland and Switzerland, studied French and Chinese languages and is fluent in German.

's entire life revolves around her ability to communicate through spoken and written words. She is a published author, poet, journalist, editor, teacher, adult education and college creative writing instructor, non-fiction, and advertisement writer. Until the moment of the explosion, reading, writing, and communicating comprised a vital part of 's daily activities.

 – being a lifetime literary scholar – looked forward every day to being able to read, write and edit her manuscripts for hours – sometimes days – on end, and communicating with her writing students on the computer or in person while reviewing and editing their writings.

[REDACTED] is also a musician and singer who plays the lyre, fiddle, and flute with other musicians for patients at local hospitals and mental health facilities. From 2006 until the explosion, during her job at [REDACTED] and volunteer work, [REDACTED] used her musical and singing skills when she worked with mentally disabled and elderly individuals and when she was spending time with and caring for her grandchildren.

When [REDACTED] was not spending time playing with her grandchildren or teaching them how to tend a garden, she was teaching them how to bake, cook, read, and write, or they sat quietly while they enjoyed [REDACTED] singing to them or playing her instruments.

When [REDACTED] was not working at [REDACTED] volunteering, playing music, reading, writing her manuscripts, or teaching writing, she was working in her family's business – [REDACTED] – where she spent most days baking items for sale, helping with business bookkeeping, interacting with hundreds of customers from all over the world, and attending to business inventory tasks.

Those activities required [REDACTED] to stand on her feet, bend, twist, turn, lift, carry, reach, raise her arms, use one or both of her hands, walk, sit, stand, climb ladders and stairs, move her head side to side, up and down, rotate from stove to counter, from refrigerator to sink, and other physical motions.

She never before got dizzy or nauseous when she moved her hands in front of her, when she turned or moved in any way, when she sat, stood, or engaged in any type of physical movement with any part of her body.

[REDACTED] regularly tended a garden with her family where she grew produce for personal consumption and sale at farmers' markets. She and her family sold their produce, baked goods, and [REDACTED] 's books every year at farmers' markets throughout Maine while speaking and interacting with hundreds of customers without any difficulty.

When [REDACTED] was not volunteering, teaching, reading, writing, baking, cooking, gardening, managing her family business, attending farmers' markets, and interacting with her customers, she was caring for and enjoying her eight grandchildren.

Some of the activities she enjoyed doing with her grandchildren included taking them for rides to the store in her car, reading books to them, playing music for them, and singing to her youngest grandchildren, walking outside in the woods, running, hiking, swimming, boating, skiing, horseback riding and many varied outdoor activities that required good athletic abilities.

As noted in the attached neuropsychological evaluation of [REDACTED] by Dr. [REDACTED] on February 15, 2021, on September 16 at 8:15am, [REDACTED] had just gotten into her van. In the back, there were a lot of plastic crates stacked high that she and her husband used to transport her goods to farmers' markets.

Dr. [REDACTED] recounts what [REDACTED] told her, "She got into the vehicle. It was parked facing the building right in front of it. She had to turn away from the building to follow the proper route out of the parking lot, so she was facing the road instead of the building when the explosion happened. Just seconds earlier, she would have been much closer and facing the building..."

As she turned and drove away from the building at 8:18 am, [REDACTED]'s life was instantaneously, permanently, and devastatingly transformed.

"... 'Everything exploded. It was a huge blast.' She had no visibility. 'the color was yellow and white.' She could remember that she had not seen any other cars in the area. The blast had propelled her across the street; she was 'just praying that there was nothing in front of [her]. ' 'Objects were falling...huge objects, clunking on top of [her] van and crashing through the windows.' She was holding on and being 'jerked around.' By the time the air cleared and things were still falling out of the sky, she could see that she had landed across the road and 'into another mini road' where there were 'tall fir trees right in front of [her]' and the van had stopped up against a bank just short of hitting the trees..."

"... 'there was just devastation. There was nothing left anymore. The ground was covered with insulation. It looked like a foot of snow...and rubbish everywhere...paperwork...the file cabinets had just let out all of the paper and so much of it....' ... Large beams had come through her back window and had been stopped by the bins and had gone up through the roof. She noted, with the bins, the beams would have hit her or her seat and propelled her into the front window. Her airbags had 'exploded. The front window was about to explode.' It was fragmented and cracking. She was able to inch out of the driver's door but first she had to kick it repeatedly. It was eerily quiet. 'There was just nothing.'"

Seeing her life flash before her eyes while she was thrown around inside the van as it flew through the air, feeling herself falling and crashing down to the ground with the van, watching as a large beam flew toward the van and pierced the rear window to be stopped only by the plastic bins just a few feet from her head, and hearing heavy debris repeatedly crashing into the roof, [REDACTED] still cannot comprehend how her life was saved that day; so, she now suffers from survivor's guilt and erratic suicidal ideation.

When [REDACTED] emerged from the van, she was not at all the same woman who had got into the van and drove away.

"She was checked out at one of the ambulances... Physically she felt very numb... She describes feeling fatigued and things seeming bizarre. She said it took a while for most of her symptoms to come on. Headache and light sensitivity were there immediately, but the extreme dizziness and balance issues developed over weeks."

Every time she describes or reads about the explosion, or hears a loud or unexpected noise, [REDACTED] instantly relives that devastating moment causing her to experience and suffer from severely traumatizing panic attacks.

████████'s close proximate exposure to the blast caused her to endure bodily and cognitive damage caused by strong shock wave echoes ricocheting inside the van; primary, secondary, and tertiary blast injuries; blast concussion; blast-induced Traumatic Brain Injury (bTBI); Post-Traumatic Stress Disorder (PTSD) and a varied multitude of physical, cognitive, mental, emotional, social, and financial injuries.

Some of the injuries ██████████ has suffered due to ██████████'s negligence are listed below:

- Survivor's guilt
- Erratic feelings of suicidal ideation
- Exposure to transient shock waves
- Tertiary blast injury
- Blast concussion
- Post-concussion symptoms
- Blast-induced traumatic brain injury (bTBI)
- Post-traumatic Stress Disorder
- Grieving loss of job due to injuries
- Hearing loss (left ear)
- Confusion
- Chronic Headaches, Migraines
- Anxiety
- Difficulty concentrating
- Mood disturbances
- Sleep disturbances
- Chronically unbalanced (need walking stick for stability and balance)
- Chronic dizziness (worsened by noises, lights, walking, motion)
- Nausea
- Irritation
- Difficulty doing math
- Chronic physical and mental exhaustion
- Difficulty with word recall when speaking
- Difficulty talking with people verbally
- Exhausted physically and mentally by all communications
- Vertigo from speaking more than 20 minutes
- Nauseous from speaking more than 20 minutes
- Computer work limited to 10 minute intervals
- Head spins (varies from slow to fast)
- Feeling detached from reality
- Feeling like I'm floating
- Back injury, back pain
- Neck injury, neck pain
- Foot injury, foot pain
- Decreased eye/body coordination
- Cannot watch TV
- Cannot listen to the radio or news
- Reading a book limited to 1 page per interval
- Noises cause severe physical and mental disturbances
- Need to wear ear plugs at home and in noisy places
- Poor memory
- Poor concentration
- Inability to focus
- Difficulty driving a car
- Turning corners causes me to feel nauseous
- Walking on uneven ground jolts my head which brings on worsening dizziness and imbalance and creates an unsettling vibration in my body
- Need to rest often
- Need to sit down often
- Need to be alone more than before

████████'s injuries now substantially interfere with and at times completely prevent her from engaging in most activities she enjoyed prior to the explosion. Activities that ██████████ can no longer enjoy, or which she tries to enjoy with strict limitations, include but are certainly not limited to:

- Moving her body in any way
- Walking, esp. on uneven ground
- Hearing any noises
- Seeing or looking at any lights
- Cooking and measuring recipes
- Baking and handling ingredients
- Reading anything
- Writing anything
- Writing books
- Editing books
- Talking for more than 10min.
- Listening to talking, music, radio
- Abrupt sounds cause panic attacks
- Turning corners
- Bending over
- Running
- Driving a car any distance
- Swimming or wading (no balance)
- Boating (no balance)
- Hiking (no balance)
- Skiing (no balance)
- Horseback riding (no balance)
- Multiple outdoor activities
- Playing with grandchildren
- Caring for grandchildren
- Working in family business
- Working in garden and yard
- Working any job
- Playing and writing music
- Singing
- Socializing
- Physical activity limited to less than 2hrs every 2 days
- Memory impairments
- Concentration difficulty
- Focus difficulty
- Mathematics and problem-solving impairments
- Multi-tasking impossible now
- Need a lot of quiet, alone time
- Need help cleaning my house
- Need help tending my garden
- Need a driver to transport me - loss of independence
- Need daily physical therapy
- Need emotional counseling
- Need neuropsychological treatment
- Need vestibular therapy (balance, dizziness)

██████████ will now need several types of assistance for the rest of her life including, but not limited to:

- housekeeping,
- yard and garden work,
- chauffeur to travel,
- medical,
- acupuncture,
- chiropractor,
- cranial-spatial,
- hearing,
- physical therapy,
- vestibular therapy,
- occupational therapy,
- emotional counseling,
- cognitive behavior therapy,
- neuropsychology evaluations,
- travel costs for medical visits,
- Evaluation and Rx copays, and
- Medical equipment (walking canes, walkers, hearing aids, etc)

Up until the moment of the explosion, █████ was a very happy, social, active, athletic, and physically healthy woman. Because of the explosion, she has become very isolated, depressed, and lonely and has gained more than 20 pounds due to her inability to be physically active.

In total deviation from her life before the explosion, every day since has been a constant struggle because of her injuries caused by the explosion.

██████████ now needs to spend a substantial amount of time each and every day by herself, in a dark, quiet room away from all the noises of her family's daily activities. ██████████'s need for quiet alone time is contributing substantially to her physical, mental, emotional and mood difficulties.

[REDACTED]'s need to avoid the noises of daily life prevents her from taking care of her home; substantially interferes with her cooking and baking; directly interferes with her relationship with family members; impairs her friendships and socialization; prevents her from volunteering and working; and prevents her from helping to maintain and build her family business, among many other activities [REDACTED]'s injuries prevent or impair.

On February 10 and 15, 2021, [REDACTED] participated in a Civil Forensic Neuropsychological evaluation by Dr. [REDACTED] Ph.D., ABPP-CN, and Board Certified in Clinical Neuropsychology who works at [REDACTED]

Dr. [REDACTED]'s report said [REDACTED] has "...observable screen-sensitivity. She squinted and looked down... Initially she was organized in her thoughts, but over time during the interview, she had difficulty putting her thoughts together. She had some word finding difficulty but mostly was very slow to compose her thoughts. She generally seemed slowed down and tired, and this progressed over the interview. By the end, she seemed to be having significant difficulty communicating effectively."

[REDACTED]'s self-reported injuries were confirmed through Dr. [REDACTED]'s personal observations and neuropsychological evaluation, who then concluded, "*Given how long [REDACTED] has been struggling with these symptoms, a neurology consultation is appropriate. Additionally, she should definitely be having some cognitive behavioral therapy specifically for posttraumatic stress with associated mood issues and the possibility that emotional issues related to the accident are contributing to her somatic and cognitive dysfunctions. Finally, some cognitive rehabilitation with Speech Therapy may help her to improve her strategies and coping.*"

At the moment before the explosion, [REDACTED]'s life was overflowing with cherished, productive activities and healthy relationships; since the explosion, [REDACTED]'s life has necessarily become very lonely, isolated, and anti-social.

[REDACTED]'s daily tasks now focus on trying to stand and walk without assistance; walking, turning and bending without getting nauseous and dizzy; listening to her grandchildren's laughter or loud noises without experiencing dizziness, nausea or panic attacks; reading and writing anything for more than ten minutes at a time; having any verbal conversations with anyone for more than fifteen minutes at a time; not being able to leave the house or drive herself to a store; trying to bake products for her bakery without having to sit down every five minutes from feeling dizzy or exhausted; not being able to read or enjoy outdoor activities with her grandchildren; not being able to sing or play music; not being able to listen to the noises of a

vacuum cleaner or clean her home; and numerous other tasks of daily life that provided [REDACTED] great joy and never caused her any difficulty prior to the explosion.

Now, when her grandchildren ask her to make them a sandwich, instead of being able to provide that sandwich within a few minutes, [REDACTED] now has to move very slowly from the counter to the refrigerator while turning ever so slowly – sometimes taking as many as five to ten seconds to turn her head and body ninety degrees from the counter to the stove – as not to be dazed and overcome by dizziness and nausea. It now takes [REDACTED] substantially longer to complete a simple task like making a sandwich that never before caused her any difficulty whatsoever.

Natural body movements that never caused [REDACTED] any issues before the explosion are now daily – and sometimes moment to moment – obstacles that substantially interfere with and absolutely prevent [REDACTED] from living her life the way she did before.

Some of [REDACTED]'s current limitations include movement sensitivity where any movement affects her in significantly negative ways. Turning from her stove to the kitchen table, turning to look out the window, washing dishes and looking down with the slightest movement of her head is torture for her.

She now has to learn how to do these movements much more slowly while still experiencing dizziness and nausea with every physical movement. Her work of cooking and managing food with nausea is what she calls a nightmare but with her need for the income she knows it has to be done so she moves as slowly as she needs which has substantially reduced her productivity and resulting income.

Before the explosion, [REDACTED] had no problems with memory loss, brain fog, migraines, dizziness, or nausea. She regularly worked on computer screens in her spare time, writing and communicating with people. She now has every moment chronic symptoms that are quite often physically unbearable and disabling.

[REDACTED]'s entire educational and professional careers have fully revolved around reading, writing, communicating, interacting with, and helping people while her personal desires have been devoted to creating and maintaining strong, open, healthy relationships with her husband, children, grandchildren, friends, and customers.

[REDACTED]'s husband recently told [REDACTED] that his observations of her today in contrast with her abilities a year ago are that [REDACTED] has lost a great deal of physical functioning. A year ago, [REDACTED] was able to drive herself to Farmington to welcome [REDACTED] home from the hospital; whereas, today, [REDACTED] cannot drive herself any distance in the car due to her movement sensitivities and other disabling injuries.

After a year of fully engaging in vestibular therapy to alleviate her dizziness and movement sensitivities, [REDACTED] is now experiencing set-backs.

Aside from the physical, emotional, and cognitive challenges [REDACTED] is enduring, she is also enduring the pain of watching her husband and family struggle with their inability to help her and their resulting frustration. These emotional challenges that [REDACTED] and every family

member are dealing with directly, substantially, and negatively impact the quality of their relationships.

On Saturday, April 3, 2021, [REDACTED] went to a farmers' market to help her family. While there, she sat behind one of their stalls with ear plugs in her ears, dark glasses on her eyes and a visor hat on her head. Despite all the precautions and medicine she took, [REDACTED] was overwhelmed by the noises made by the cars, customers, and other normal activities. As a result, [REDACTED] suffered an extreme migraine, fogginess, dizziness, and nausea which incapacitated her for the rest of that day and the next day. [REDACTED] spent the majority of Sunday, April 4, in bed with a migraine, nausea and increased dizziness and fogginess.

Notwithstanding her physical challenges and disabilities, [REDACTED] now finds herself overcome on a daily basis by her deep sadness, grief, loneliness, and feelings of disconnection from the rest of the world. [REDACTED] had devoted her entire life to creating open, unobstructed communications with people in her life, and now she is not able to even write a letter or speak with someone for more than ten (10) minutes without being overcome with physical fatigue.

Had it not been for [REDACTED]'s negligence and resulting devastation, [REDACTED] would still be fully engaged in all the activities with her family, friends, and other activities that she previously enjoyed.

For more than the past 560 days and ongoing for the foreseeable future, [REDACTED]'s life has suffered extreme special losses that cannot be measured with money – aside from the complete devastation of every aspect of her life, there is no monetary equivalent for being able to listen to and enjoy her grandchildren's laughter without panicking because of the loudness of their voices, being able to sing to them while walking in the yard holding their hands or reading them a book at bedtime.

Please see the table below of [REDACTED]'s damages and losses.

Source	Notes	Loss
[REDACTED] (family business) (\$20k per year x 15 yrs)	able to work 25% of time bakery is open	\$ 300,000.00
Yearly farmers markets (\$3k per year x 15 yrs)	cannot transport products without van	45,000.00
Loss of business van	Destroyed in explosion - can't afford to replace	55,000.00
Writing job, Reiki practice (\$27k per year x 15 yrs)	Can't write, focus, or concentrate	405,000.00
Job loss at [REDACTED] (\$7k per year x 5yrs)	Loss of job due to bTBI symptoms	35,000.00
Driving instructor	rehabilitate from PTSD, bTBI	20,000.00

Future medical and dental expenses	acupuncture, chiropractor, cranial-spatial, hearing, physical and vestibular therapy, occupational therapy, neuropsychology eval/therapy, dental, Rx copays, therapeutic equipment (walking canes, walkers, hearing aids, etc)	300,000.00
Pain and suffering, inability to read, write and communicate without suffering physical ailments	Lifetime (x 20yrs) symptoms	2,000,000.00
	TOTAL DAMAGES	\$3,160,000.00

Despite [REDACTED]'s goal of being a strong source of support for her family into her golden years while being a successful writer and operating her own business, [REDACTED] is now struggling with completing her activities of daily living. As such, she is being deprived of numerous joyful activities she recently enjoyed and should have been able to enjoy for many years to come.

No amount of money can replace [REDACTED]'s ability to move, walk, turn her body or head without getting dizzy and feeling nauseous, or spending quality time with her husband, friends, children, and grandchildren, being able to attend farmers' markets, or being able to read, write, sing, play music, bake, cook and the numerous athletic activities as she did before.

Very truly yours,


Jed Davis, Esq.

JD:gt

Enclosure

cc: [REDACTED]