

EXHIBIT 2



October 13, 2010

Yonkers Contracting Company, Inc.
969 Midland Avenue
Yonkers, New York 10704

Attention: Mr. John L. Kolaya, Executive Vice President

Re: Contract # C-26510, Number 7 Flushing Line Extension/Site J

Dear Mr. Kolaya:

You are hereby notified that the Yonkers Contracting Company, Inc. bid for the subject contract has been accepted and that the contract has been awarded to you in the Lump Sum Price of **\$116,211,000**. This contract is deemed to be in effect as of the date of this award letter. The Construction Manager for this contract is Mr. Ramesh Ramanathaiah, 646-252-2178.

The City of New York (HYDC) provides 100% of the funding for this project.

Insurance

Your Builders Risk Policy must be submitted for review and approved by MTA Risk Management within 30 days from this notice of award before commencing any such work associated with these policies.

M/WBE Goals

Your contract contains a MBE goal of 10% and a WBE goal of 5%. Based on your firms "good faith effort", a partial waiver of the MBE goal has been granted and your revised MBE goal is 5.98%. Your firm has also agreed to WBE participation of 9.20%, so the total M/WBE goal participation for this contract is 15.18%.

You are required to submit monthly reports of your progress toward meeting your commitment, on forms provided in the contract documents. You are further required to submit work schedules and copies of executed subcontract C-26510 agreements for your proposed M/WBE subcontractors not later than thirty (30) days before these firms commence work.

7 Flushing Line Extension/Site J
Notice of Award
Page 2

All documentation required from the Contractor under this section shall be submitted both to the Construction Manager, Mr. Ramesh Ramanathaiah and to the MTA Compliance Department, 2 Broadway, 16th floor, New York, NY 10004.

Please also be advised that no subcontractors/suppliers are permitted to work under this Contract unless prior approval is obtained.

We will send you a fully executed copy of this Contract as soon as it is ready or you may obtain it at the office of the Procurement Manager, Section B19.43, 2 Broadway, New York, NY any weekday between the hours of 9:00 A.M. and 3:00 P.M. Please call before picking up the Contract to ensure that the document is waiting for you.

Please acknowledge receipt of this notification by dating and signing the original and one copy in the space provided below. Return the original to John Templeton, Procurement Manager, Section B 19.43, 2 Broadway, New York, NY 10004, and retain a copy for your file.

If you have any questions, please contact John Templeton, Manager, at (646) 252-6238.

Sincerely,

Joseph Paldino
Assistant Chief Procurement Officer

ACKNOWLEDGED:

Yonkers Contracting Company, Inc.

Authorized Signature

10/13/10

Date _____

John Kolaya, EVP
Print Name and Title

IMPORTANT NOTICE TO ALL CONTRACTORS AND CONSULTANTS

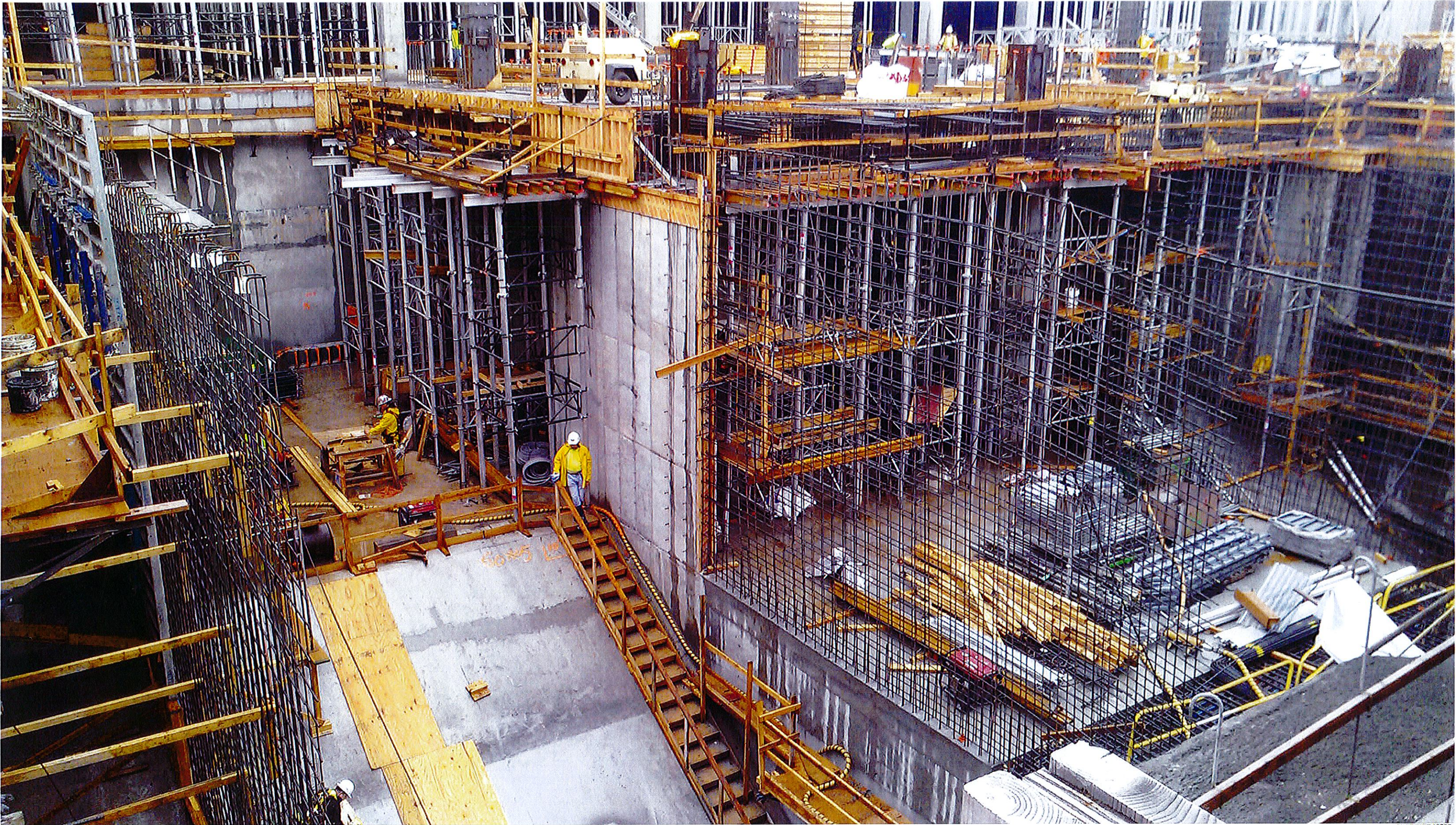
The New York State Ethics in Government Act and the New York City Transit Ethics Policy/Instruction contain stringent restrictions relating to gifts.

Transit policy prohibits the receipt of gifts by any Transit employee from any individual or entity doing business with the Transit. Concomitantly, Transit policy prohibits individuals and entities doing business with Transit from offering gifts to any Transit employees.

“Gift” is broadly defined to include not only objects, but also meals, entertainment, tickets to events, travel costs, lodging and any other thing of value.

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EXHIBIT 3



SUPERIOR12555

EXHIBIT 4

EXHIBIT 5



February 19, 2014

MTA-YCC-L-00156

Mr. Robert Stepien
Yonkers Contracting Company
511 West 33rd Street, 5th Floor
New York, NY 10001

Subject: Contract C-26510 (Site J): Excavation/Mining/Lining of Vertical Shaft, E1 and E2 Inclined Tunnels and T1 Connector Tunnel & Construction of a Ventilation Building and Station Entrance Structure

Re: Substantial Completion

Dear Mr. Stepien:

In reference to your letter YCC-MTA-L-0164, dated February 19, 2014, we concur that you have completed all work under this Contract as described in the contract documents as of February 19, 2014. This declaration of substantial completion does not alter your responsibility to fulfill the contractual requirements.

All punch list items from the pre-final inspection and a list of remaining work has been sent to you earlier in a separate letter. Please notify our office once you complete these items so we can schedule a final inspection.

If you have any questions, feel free to contact me at (646) 252-8330.

Sincerely,
MTA CAPITAL CONSTRUCTION COMPANY



Ramesh Ramanathaiah
Construction Manager

cc: S.Kildare, M. Schiffman, M. Rafat, S. Asquith, M. Mahmoud, File

The agencies of the MTA

MTA New York City Transit
MTA Long Island Rail Road

MTA Long Island Bus
MTA Metro-North Railroad

MTA Bridges and Tunnels
MTA Capital Construction

MTA Bus Company

EXHIBIT 6

Anthony Tavormina

From: Robert Stepien <rstepien@yonkerscontractingco.com>
Sent: Friday, May 25, 2012 5:11 PM
To: david.bowers@shotcrete.com
Cc: ron.federico@shotcrete.com; kalo.franklin@shotcrete.com; Jim Strobel; John Kolaya
Subject: Site J summary of payments
Attachments: Superior Gunite Payment Status Log.xlsx

Follow Up Flag: Follow up
Flag Status: Completed

David – Attached is a summary of our payments to Superior Gunite. You have been paid all your contract amounts to date plus an advance on change orders. Your March check will be available for pick up next week. An amendment to your contract for the overbreak at \$345/cy in the amount of approx. \$634k is acknowledged and is being processed by YCC now. Your change orders 1-12 have been reviewed by YCC. There are issues with them concerning backup, markups, subsistence pay, premium time pay, etc. that must be resolved between YCC and Superior Gunite before payment can be made. There are also large credits that have not been taken in your contract for sandwall, backforming, scaffolding, and reduced wall concrete. In the past months, we have had several meetings with Ron Federico to discuss Superior Gunite payments and extra/deleted work, namely:

1/19/12 meeting with Ron Federico – Superior Gunite had approximately \$800,000 in sandwall extras and an \$800,000+ credit since Superior Gunite was not performing the scaffolding work, backforming, and a large portion of the sand wall contract item. At that point in time it appeared that the extras/credits would net out or even be a net credit due YCC.

4/20/12 meeting with Ron Federico-Superior Gunite had approximately \$2,000,000 in extras to date and \$1,500,000 in credits. At this meeting, markups on the COR's were discussed along with removing superintendent's time, etc. A review of YCC costs for the backforming, scaffolding, and reduced wall concrete quantities was required. In addition, YCC also did not agree with the unit price of \$475/cy for shooting the concrete inverts on the inclined tunnels on the project. YCC never received revised COR's from Superior Gunite addressing these issues.

Please also forward COR's 12 and 12.1 since we do not have backup for these change order requests.

YCC would like to meet with you to resolve these issues as soon as possible.

Rob Stepien
Project Manager
Cell#914-497-0218

SG ESI 0004899

From: Robert Stepien <rstepien@yonkerscontractingco.com>
Sent: Monday, September 17, 2012 10:16 AM
To: Ron Federico <Ron.Federico@shotcrete.com>; Frank Townsend
<Frank.Townsend@shotcrete.com>
Cc: Armando Ramos <Armando.Ramos@shotcrete.com>; Stephen Apruzzese
<sapruzzese@yonkerscontractingco.com>
Subject: RE: need Superior Gunite breakdown/detail sheets for COR's

Ron- I am looking for number of men working and the hours extra they worked. YCC has always gotten this in the past.

Rob

From: Ron Federico [mailto:Ron.Federico@shotcrete.com]
Sent: Saturday, September 15, 2012 7:47 PM
To: Frank Townsend
Cc: Robert Stepien
Subject: RE: need Superior Gunite breakdown/detail sheets for COR's

There is no back up for priced extra work. The premium costs are not marked up. The Certified Payroll submitted should back them up. In all cases, these were submitted prices.

From: Frank Townsend
Sent: Wednesday, September 12, 2012 8:08 AM
To: Ron Federico
Subject: FW: need Superior Gunite breakdown/detail sheets for COR's

I think he is looking for the build

From: Robert Stepien [mailto:rstepien@yonkerscontractingco.com]
Sent: Tuesday, September 11, 2012 4:08 PM
To: Frank Townsend
Cc: Armando Ramos
Subject: need Superior Gunite breakdown/detail sheets for COR's

Frank/Armando-please send me backup for these COR requests, esp. for premium time, delays, etc.

Rob

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EXHIBIT 7

Anthony Tavormina

From: Jay Singh <jsingh@yonkerscontractingco.com>
Sent: Friday, June 1, 2012 1:09 PM
To: Kalo Franklin; Mike Lloyd
Cc: Ron Federico; Nick Hacopian; Armando Ramos; bluedevilone3@yahoo.com; Robert Stepien; Tom Whelahan; Jim Strobel
Subject: RE: Site J - Shotcrete Schedule - 3 Week Look Ahead - 05.31.12


Kalo,

Missing the pour of the column enclosures @ E5&E6 on Wednesday June 6th causes us to lose (1) day in our path to Milestone 2's completion date of August 04, 2012. If we shoot on Thursday June 7th then our Milestone Completion date will be pushed to August 05, 2012 with penalties.

To avoid further delay, please do schedule your structural crew for Thursday, June 7th to shoot the @ E5&E6.

Mike,
Please advise if we can expedite the rebar installation to complete by Tuesday morning so that Superior can shoot column enclosures on the afternoon of Tuesday June 5th.

Jay Singh
Project Scheduler

 Yonkers Contracting Company

Yonkers Contracting Company, Inc.
969 Midland Avenue
Yonkers, NY 10704
Telephone: (914) 965-1500 x 734
Fax: (914) 378-8885
Cell: (914) 837-2105
e-mail: jsingh@yonkerscontractingco.com
website: www.yonkerscontractingco.com

From: Kalo Franklin [<mailto:Kalo.Franklin@shotcrete.com>]
Sent: Friday, June 01, 2012 12:36 PM
To: Jay Singh; Ron Federico; Nick Hacopian; Armando Ramos; bluedevilone3@yahoo.com
Cc: Mike Lloyd; Robert Stepien
Subject: RE: Site J - Shotcrete Schedule - 3 Week Look Ahead - 05.31.12

Jay,

In reviewing the requested shotcrete dates, there are just a few dates that we will not be able to commit to (until we get cancellations).

- Monday (06/04/12) – Available to shoot sandwall
- Tuesday (06/05/12) – Available to shoot sandwall
- Wednesday (06/06/12)- Not available ; Please note that although, we do not have an available structural crew to, we will have one available for Thursday (06/07/12). Would you like move this to Thursday?

- Friday (06/08/12)- Not available at this time to shoot the invert SOG, however, we are expecting a cancellation. I will update you by Monday (06/04/12).
- Thurs (06/14/12)- Available to shoot pit walls

Please let me know if you have any questions.

Thank you,

Kalo Franklin

SUPERIOR GUNITE

12306 Van Nuys Blvd., Lakeview Terrace, CA 91342

Office Phone: 818.896.9199 Fax: 818.896.6699

Cell: 818.391.3660

From: Jay Singh [<mailto:jsingh@yonkerscontractingco.com>]

Sent: Thursday, May 31, 2012 8:46 AM

To: Ron Federico; Nick Hacopian; armondo.ramos@shotcrete.com; Kalo Franklin; bluedevelone3@yahoo.com

Cc: Mike Lloyd; Robert Stepien

Subject: Site J - Shotcrete Schedule - 3 Week Look Ahead - 05.31.12

Please see attached scheduled dates as discussed in the meeting today.

Thanks

Jay Singh

Project Scheduler

 **Yonkers Contracting Company**

Yonkers Contracting Company, Inc.

969 Midland Avenue

Yonkers, NY 10704

Telephone: (914) 965-1500 x 734

Fax: (914) 378-8885

Cell: (914) 837-2105

e-mail: jsingh@yonkerscontractingco.com

website: www.yonkerscontractingco.com

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SG ESI 0005363

From: Kalo Franklin <Kalo.Franklin@shotcrete.com>
Sent: Friday, June 29, 2012 2:24 PM
To: Armando Ramos <Armando.Ramos@shotcrete.com>
Subject: Re: site j update

First I've heard of this.

Thank You,
Kalo Franklin

On Jun 29, 2012, at 11:22 AM, "Armando Ramos"
<Armando.Ramos@shotcrete.com> wrote:

In case you didn't hear already???

The Site J pour was cancelled this morning because the inspector
at the plant rejected the mix (sand content.)

YCC asked us around 1pm to re-schedule the pour for tomorrow.
Nick said that it was not possible because all the nozzlemen will be at
CQ032 tomorrow.

YCC wants a wireman onsite Sunday night to work on E4 Pillar.

Armando Ramos

Project Engineer

SUPERIOR GUNITE
217 Broadway, Suite 610
New York, New York 10007
Office Phone: 818.896.9199
Fax: 800.860.8079
Cell: 818.277.0993

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From: Robert Stepien <rstepien@yonkerscontractingco.com>
Sent: Friday, August 24, 2012 2:02 PM
To: Frank Townsend <Frank.Townsend@shotcrete.com>
Cc: Armando Ramos <Armando.Ramos@shotcrete.com>; Kalo Franklin <Kalo.Franklin@shotcrete.com>
Subject: RE: Superior schedule

See schedule sent in prior email

-----Original Message-----

From: Frank Townsend [mailto:Frank.Townsend@shotcrete.com]
Sent: Friday, August 24, 2012 9:50 AM
To: Robert Stepien
Cc: Armando Ramos; Kalo Franklin
Subject: Superior schedule

Rob, I am trying to help you out to get you on the schedule. Next week we have a lot going on so I would like I plug you in but right now we have nothing.

Respectfully,

Frank Townsend III

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From: Robert Stepien <rstepien@yonkerscontractingco.com>
Sent: Friday, August 24, 2012 1:58 PM
To: Armando Ramos <Armando.Ramos@shotcrete.com>
Cc: Kalo Franklin <Kalo.Franklin@shotcrete.com>; Jim Strobel <jstrobel@yonkerscontractingco.com>; Nick Hacopian <Nick.Hacopian@shotcrete.com>; Frank Townsend <Frank.Townsend@shotcrete.com>; Jay Singh <jsingh@yonkerscontractingco.com>
Subject: RE: shotcrete next week

SEE SCHEDULE SENT IN PRIOR EMAIL
ROB

From: Armando Ramos [mailto:Armando.Ramos@shotcrete.com]
Sent: Thursday, August 23, 2012 4:42 PM
To: Robert Stepien
Cc: Kalo Franklin; Jim Strobel; Nick Hacopian; Frank Townsend; Jay Singh
Subject: RE: shotcrete next week

Rob,
We have several jobs going on next week. At the moment we do not have a crew scheduled for Site J next week.
Please advise.

Armando

From: Armando Ramos
Sent: Thursday, August 23, 2012 3:07 PM
To: rstepien@yonkerscontractingco.com
Cc: Kalo Franklin; 'Jim Strobel' (jstrobel@yonkerscontractingco.com); Nick Hacopian
Subject: shotcrete next week
Importance: High

Rob,
Please send us a schedule for next week. We need it ASAP to schedule our crews.

Thanks,

Armando Ramos
Project Engineer

SUPERIOR GUNITE
217 Broadway, Suite 610
New York, New York 10007
Office Phone: 818.896.9199
Fax: 800.860.8079
Cell: 818.277.0993

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SUPERIOR07797
Stepien Aff. Ex. 7

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Anthony Tavormina

From: Ron Federico <Ron.Federico@shotcrete.com>
Sent: Wednesday, September 12, 2012 12:34 AM
To: Frank Townsend; 'Robert Stepien'; Kalo Franklin
Cc: Nick Hacopian; Jim Strobel; Mike Lloyd
Subject: RE: Superior Gunite schedule for this week at Site J

Follow Up Flag: Follow up
Flag Status: Completed

This is what happens when our work is deleted from our contract and we send the crew away.

Respectfully Submitted,
SUPERIOR GUNITE COMPANY

Ron R. Federico
Executive VP, Operations US

From: Frank Townsend
Sent: Tuesday, September 11, 2012 10:20 AM
To: 'Robert Stepien'; Kalo Franklin; Ron Federico
Cc: Nick Hacopian; Jim Strobel; Mike Lloyd
Subject: RE: Superior Gunite schedule for this week at Site J

Rob, we will try our best. Remember I asked you time and time again to get your schedule in. You unfortunately delayed and other projects got theirs in on time. As stated last week and Monday that we have zero availability this week. Whoever is scheduled and prepared we have to give priority as I am sure you understand.

Respectfully,

Frank Townsend
SUPERIOR GUNITE

217 Broadway, Suite 610, NY, NY 10007
O 818.896.9166 | M 818.391.3009
frank.townsend@shotcrete.com



From: Robert Stepien [mailto:rstepien@yonkerscontractingco.com]
Sent: Tuesday, September 11, 2012 1:17 PM
To: Kalo Franklin; Ron Federico
Cc: Nick Hacopian; Jim Strobel; Mike Lloyd; Frank Townsend
Subject: RE: Superior Gunite schedule for this week at Site J

Kalo- Nick just called me and said that there were no crews available for tomorrow. He was working on Thursday. Please send wire crews to get areas ready. We have 1-line ready and are working hard on 3-line. By the end of the week we will have 1-line, 3 line and T1b adit in the vertical shaft all ready.

Rob

From: Kalo Franklin [mailto:Kalo.Franklin@shotcrete.com]
Sent: Tuesday, September 11, 2012 10:05 AM
To: Robert Stepien
Subject: RE: Superior Gunite schedule for this week at Site J

Rob,
Nick should be getting back to me in about an hour to confirm about tomorrow. Sorry for the delay.

Thank you,

Kalo Franklin
SUPERIOR GUNITE
12306 Van Nuys Blvd., Lakeview Terrace, CA 91342
Office Phone: 818.896.9199 Fax: 818.896.6699
Cell: 818.391.3660

From: Robert Stepien [mailto:rstepien@yonkerscontractingco.com]
Sent: Tuesday, September 11, 2012 5:39 AM
To: Kalo Franklin
Cc: Frank Townsend; Nick Hacopian; Mike Lloyd; Jim Strobel
Subject: RE: Superior Gunite schedule for this week at Site J

Kalo- Okay, let us know as soon as you can.
Rob

From: Kalo Franklin [mailto:Kalo.Franklin@shotcrete.com]
Sent: Monday, September 10, 2012 5:56 PM
To: Robert Stepien
Cc: Frank Townsend; Nick Hacopian
Subject: RE: Superior Gunite schedule for this week at Site J

Hi Rob,

As discussed last Friday (between you, Nick and Frank), our availability is very limited this week. We are actively looking at moving things around to help accommodate you. I will update you by 10 am EST on whether we will be able to shoot on Wednesday.

Thank you,

Kalo Franklin
SUPERIOR GUNITE
12306 Van Nuys Blvd., Lakeview Terrace, CA 91342
Office Phone: 818.896.9199 Fax: 818.896.6699
Cell: 818.391.3660

From: Robert Stepien [mailto:rstepien@yonkerscontractingco.com]
Sent: Monday, September 10, 2012 1:22 PM
To: Frank Townsend
Cc: Ron Federico; Armando Ramos; Kalo Franklin; Nick Hacopian; Mike Lloyd; Jim Strobel
Subject: Superior Gunite schedule for this week at Site J

Frank- Per our meeting today, you stated SG would not be able to shoot anything tomorrow, Tuesday 9/11. Please advise for rest of the week. YCC will have 1- line wall ready for shotcrete tomorrow morning and T1B arch by tomorrow afternoon. Please send wire crews tomorrow. We need to shoot Wednesday!!!

Rob

From: Robert Stepien

Sent: Thursday, September 06, 2012 11:26 AM

To: 'Frank Townsend'

Cc: Ron Federico; Armando Ramos (Armando.Ramos@shotcrete.com); kalo.franklin@shotcrete.com; nick.hacopian@shotcrete.com; Mike Lloyd; Jim Strobel

Subject: RE: Change order negotiation with Superior Gunite

Frank- I can't sit down this week. Let's meet next week.
Here is the schedule for Site J:

9/10-Monday-nothing
9/11-Tuesday-nothing
9/12-Wednesday- 1 line wall
9/13-Thursday-Vertical Shaft T1b overhead arch
9/14-Friday-Vertical Shaft T1b overhead arch
9/17- Monday -- 1-line wall
9/18 -Tuesday-3 line wall
9/19-Wednesday 1-line wall
9/20-Thursday- 1-line wall
9/21 Friday- 3-line wall

Please come to the Monday meeting to discuss schedule.

Rob

From: Frank Townsend [<mailto:Frank.Townsend@shotcrete.com>]

Sent: Wednesday, September 05, 2012 10:18 AM

To: Robert Stepien

Cc: Ron Federico

Subject: Change order negotiation with Superior Gunite

Rob, when next week can you get Jimmy in so we can negotiate these outstanding change orders. I will be there Friday AM, we have our credit QTY's and sent you the change log. I want everything to be square when we sit down next week with Ron and Jimmy. Please provide me a date. Also we haven't received a schedule form you yet, do you not need anything shot next week?

Respectfully,

Frank Townsend

SUPERIOR GUNITE

217 Broadway, Suite 610, NY, NY 10007

O 818.896.9166 | M 818.391.3009

frank.townsend@shotcrete.com



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EXHIBIT 8



EXHIBIT 9





EXHIBIT 10

From: Armando Ramos <armando.ramos@first organization.com>
Sent: Wednesday, September 26, 2012 6:50 PM
To: Nick Hacopian <Nick.Hacopian@shotcrete.com>
Cc: Frank Townsend <Frank.Townsend@shotcrete.com>
Subject: FW: A-Line Wall

They want to backcharge us for filling the concrete bags all the way.

From: Mike Lloyd [mailto:mloyd@yonkerscontractingco.com]
Sent: Wednesday, September 26, 2012 6:46 PM
To: Armando Ramos
Subject: Re: A-Line Wall

Armando,

While spraying the Adit this week, SG overfilled many of the debris bags with concrete making them unsafe to lift. SG has been warned numerous times to only fill these bags no more than half full. Please let me know how SG plans to dispose of these bags. If YCC has to move these bags as is, SG will be backcharged for YCC's effort to remove these over filled bags.

Mike Lloyd

From: Armando Ramos [mailto:Armando.Ramos@shotcrete.com]
Sent: Wednesday, September 26, 2012 06:28 PM
To: Robert Stepien
Cc: Nick Hacopian <Nick.Hacopian@shotcrete.com>; Frank Townsend <Frank.Townsend@shotcrete.com>; Mike Lloyd
Subject: A-Line Wall

Rob,

When our crew left the site this afternoon, the hanging brackets for the face of concrete at A-Line had not all been installed.

You will have to pick up the standby time for our crew if the installation of these brackets holds up the shotcrete.

Armando Ramos
Project Engineer

SUPERIOR GUNITE
217 Broadway, Suite 610
New York, New York 10007
Office Phone: 818.896.9199
Fax: 800.860.8079
Cell: 818.277.0993

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SG ESI 0004337

SUPERIOR07825
Stepien Att. Ex. 10

EXHIBIT 11

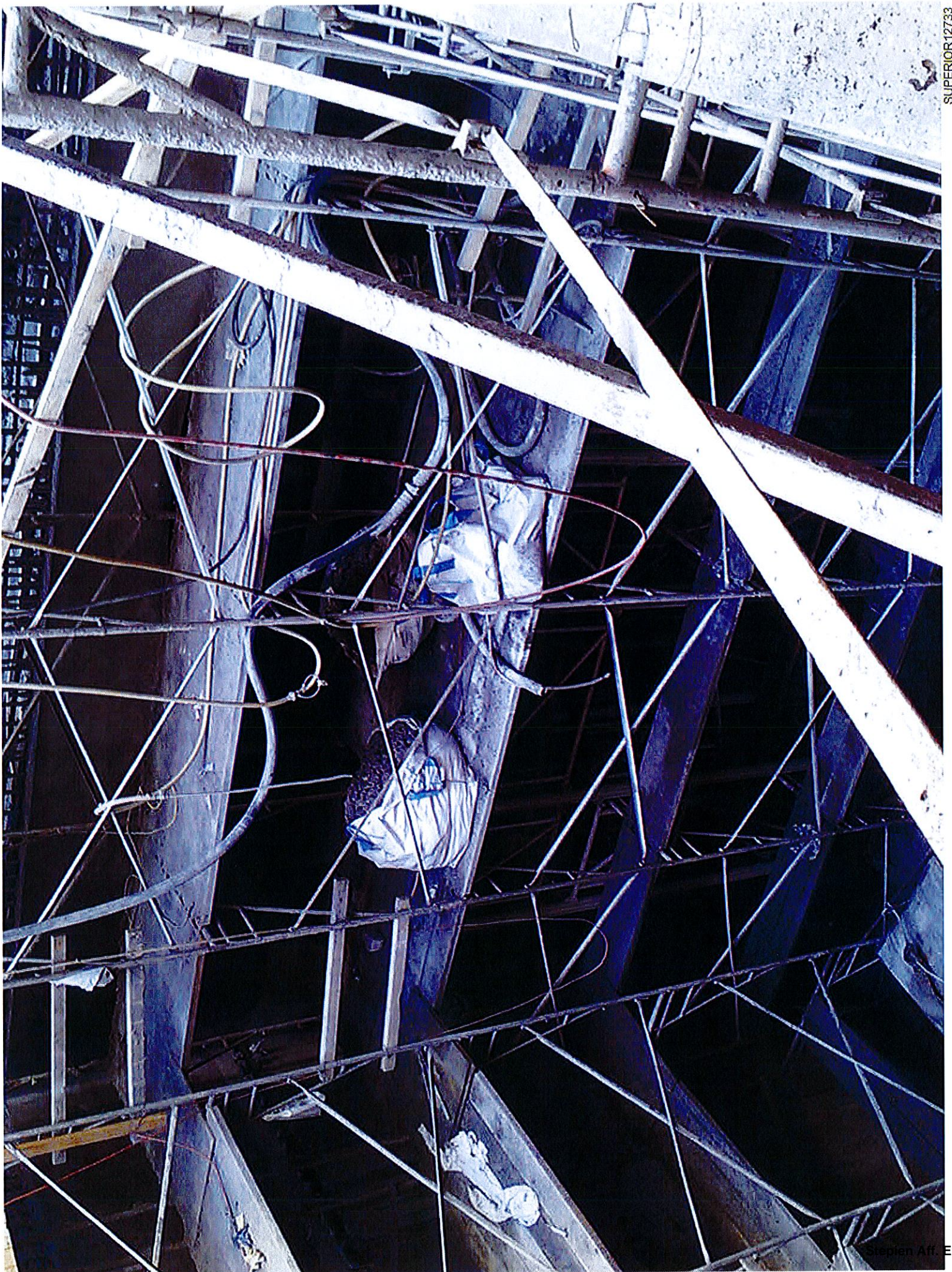


EXHIBIT 12

SG ESI 0009723

From: Jonathan Pulaski <jpulaski@yonkerscontractingco.com>
Sent: Thursday, July 26, 2012 8:55 AM
To: nick.hacopian@sprint.blackberry.net; Kalo Franklin
<Kalo.Franklin@shotcrete.com>
Cc: Robert Stepien <rstepien@yonkerscontractingco.com>
Subject: Clean out of keyways

Nick,

Superior needs to do better on the keyways they need to be blown clean after each placement. It's an issue that needs to be addressed immediately, Also the keyways are becoming sloppy and very rough. A hydrophilic water stop is applied to your edge and with the concrete uneven it make it difficult.

Jon Pulaski

Yonkers Contracting Company Inc.

511 West 33rd Street Suite 5C

New York, NY 10001

Office 212-239-7074

Fax 212-239-7103

Cell 914-403-0269

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SG ESI 0009552

From: Jonathan Pulaski <jpulaski@yonkerscontractingco.com>
Sent: Friday, August 3, 2012 1:54 PM
To: Kalo Franklin <Kalo.Franklin@shotcrete.com>;
nick.hacopian@sprint.blackberry.net
Cc: Robert Stepien <rstepien@yonkerscontractingco.com>; Mike Lloyd
<mlloyd@yonkerscontractingco.com>
Subject: RE: Construction joints/Keyways and waterstop
Attach: 100_4988.JPG;100_4989.JPG

Kalo,

The keyways , water stop and construction joints being constructed by Superior are unacceptable. The concrete is either covering the water stop totally, not spray up to center of the water stop and the Keyways not being cleaned out. In moving forward how is Superior addressing these condition and how will Superior prevent these issues from reoccurring in the future. The keyways have always have been an issue that needs to be constantly monitored. I've attached photos of one of the concrete placements that fell short of the water stop on the E shear wall. This condition is being currently corrected by YCC.

Jon Pulaski

Yonkers Contracting Company Inc.

511 West 33rd Street Suite 5C

New York, NY 10001

Office 212-239-7074

Fax 212-239-7103

Cell 914-403-0269

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SG ESI 0009552

destroy all copies of the original message.

EXHIBIT 13

SG ESI 0009523

From: Kalo Franklin <kalo.franklin@first organization.com>
Sent: Monday, August 6, 2012 9:57 AM
To: Nick Hacopian <Nick.Hacopian@shotcrete.com>; Frank Townsend
<Frank.Townsend@shotcrete.com>
Subject: FW: Continued cold joints in incomplete shotcrete placements

Thank you,

Kalo Franklin

SUPERIOR GUNITE

12306 Van Nuys Blvd., Lakeview Terrace, CA 91342

Office Phone: 818.896.9199 Fax: 818.896.6699

Cell: 818.391.3660

From: Jonathan Pulaski [mailto:jpulaski@yonkerscontractingco.com]
Sent: Monday, August 06, 2012 3:22 AM
To: Kalo Franklin; nick.hacopian@sprint.blackberry.net
Cc: Robert Stepien
Subject: FW: Continued cold joints in incomplete shotcrete placements

Kalo,

This is an unacceptable practice and needs to stop. If any remedial measures are needed they will be made and charge to Superior.

Jon Pulaski

Yonkers Contracting Company Inc.

511 West 33rd Street Suite 5C

New York, NY 10001

Office 212-239-7074

Fax 212-239-7103

Cell 914-403-0269

From: Gallagher, William [mailto:wgallagher@mtacc.info]
Sent: Saturday, August 04, 2012 12:54 PM
To: Jonathan Pulaski
Cc: Mahmoud, Maher; Vieitez, Joseph; Ramanathaiah, Ramesh
Subject: Continued cold joints in incomplete shotcrete placements

Jon

Regarding the 8-3-12 shotcrete placement at crown of E1 tunnel, at bottom of tunnel, Superior Guniting again did not finish the placement because they did not have enough concrete. Fifty percent of the E1 tunnel crown shotcrete placement (surface area) was not complete. The north half of the crown was not complete, ranging from no shotcrete placed to placement to an inch or so below the surface. Again cold joints have been added without a key or water stop as required per details in contract plans. The above problems are not improving, but are getting worse.

Please let me know how you are going to correct the above.

Regards

Bill Gallagher

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EXHIBIT 14

From: Ron Federico
Sent: Wednesday, October 5, 2011 1:02 PM
To: AChenault@yonkerscontractingco.com
Subject: RE: Site J - Superior Gunitite scope items being performed by YCC

10-4.

Respectfully Submitted,
SUPERIOR GUNITITE COMPANY

Ron R. Federico
Executive VP, Operations US
cell : (818)391-4917

From: Andrew Chenault [mailto:AChenault@yonkerscontractingco.com]
Sent: Wednesday, October 05, 2011 9:52 AM
To: Ron Federico
Subject: RE: Site J - Superior Gunitite scope items being performed by YCC

3 is good too, but if you want to say tomorrow that's cool. We're always here, so just give us an hr or so notice.

Andrew

From: Ron Federico [mailto:Ron.Federico@shotcrete.com]
Sent: Wednesday, October 05, 2011 12:52 PM
To: Andrew Chenault
Subject: RE: Site J - Superior Gunitite scope items being performed by YCC

How about 3? Or any time tomorrow or the rest of the week? The only thing on my schedule is a meet up with Patty in Brooklyn tomorrow for Gowanus.

Respectfully Submitted,
SUPERIOR GUNITITE COMPANY

Ron R. Federico
Executive VP, Operations US
cell : (818)391-4917

From: Andrew Chenault [mailto:AChenault@yonkerscontractingco.com]
Sent: Wednesday, October 05, 2011 9:47 AM
To: Ron Federico
Subject: RE: Site J - Superior Gunitite scope items being performed by YCC

Is 2 o'clock good? I am sure it's something we can work out easily.

Andrew

From: Ron Federico [mailto:Ron.Federico@shotcrete.com]
Sent: Wednesday, October 05, 2011 12:46 PM
To: Andrew Chenault
Subject: RE: Site J - Superior Gunite scope items being performed by YCC

Just say the word. I want to meet and go over in detail what the plan is moving forward. I want to make sure we both shine on this, and you are right, the walls at B1 are in our scope, its just different than what we planned.

Respectfully Submitted,
SUPERIOR GUNITE COMPANY

Ron R. Federico
Executive VP, Operations US
cell : (818)391-4917

From: Andrew Chenault [mailto:ACHenault@yonkerscontractingco.com]
Sent: Wednesday, October 05, 2011 9:42 AM
To: Ron Federico
Subject: RE: Site J - Superior Gunite scope items being performed by YCC

Hi Ron,

Are you coming by Site J today?

Andrew Chenault
Project Engineer

Yonkers Contracting Company, Inc.
Number 7 Line Extension (Site J)
Contract C-25610
511 West 33rd Street
New York, NY 10001
Tel. (212) 239-7074
Cel. (914) 879-4633

From: Ron Federico [mailto:Ron.Federico@shotcrete.com]
Sent: Wednesday, October 05, 2011 11:06 AM
To: Robert Stepien; Andrew Chenault; James Strobel
Cc: Nick Hacopian; John DAversa
Subject: RE: Site J - Superior Gunite scope items being performed by YCC

Hi Rob,

The walls at B1 are not per plan, and our bid is not to place wood forms. We bid to provide a stay in place expanded metal panel tied to the rebar. To do this, we need a level working surface behind the wall, and external kickers on the steel to keep it in place. We would then scaffold both sides. Since the rock rises above the slab level into the wall, the sand wall quantity will increase, and the formed area will decrease. You and I looked at this in the beginning. Our proposed method based on the conditions will not work, and I thought we were on the same page with that. We will not bill the Hy rib line item, as we are not doing this work based on the differing conditions. I think the way it was done is a good method based on the varied rock elevation.

I attached the detailed take off provided by Andrew and reviewed and agreed to by SG. Also is our proposal that Brian used to write the scope. I think this will make things clear. Understand that placing a lost back-form with Hy-Rib is laborers work. The bracing of the wall rebar would probably be by carpenters, which we do not employ. Had this been built as planned, YCC would have to provide the rebar bracing and SG provide the lost Hy rib panels. A protection board would then be attached to the back side, and the waterproofing attached to that, and backfilled.

With regard to scaffolding, we are doing the scaffolding now. YCC placed scaffold for the lathers on the east wall, so we could not scaffold that area. Nonetheless, we did use your scaffold there, and I will not bill you for that area. In the future we will place all scaffold in our contract for use by all trades, but keep in mind it will be placed 1 foot from finish wall where we need it to be. I can put in some out rigger brackets if needed, as we do have these available, just let me know.

I went over all of this last year with Andrew and Jimmy, but I agree that the contract scope does not really spell all this out. It's a little difficult to describe all of this as we are going outside the box when it comes to this method of construction. We are very flexible with this, and based on what I see in the site conditions, we will definitely need to make adjustments. The forming at the B1 perimeter is a \$176K line item for about 25K sf. I am sure a lot of this will end up as sand wall, not forms. If this holds true, we will try and shoot these to where you won't have to do anything.

I am in NY and can meet with your team to go over all of this in detail? Let me know.

Respectfully Submitted,
SUPERIOR GUNITE COMPANY

Ron R. Federico
Executive VP, Operations US
cell : (818)391-4917

From: John DAversa
Sent: Wednesday, October 05, 2011 7:32 AM
To: Ron Federico
Subject: FW: Site J - Superior Gunitite scope items being performed by YCC

Ron,
See below for an email from Rob Stepien in regard to scope items in our contract that he feels he is working on.
JD



John D'Aversa
SUPERIOR GUNITE
1000 Main Street, 2nd Floor
New Rochelle, NY 10801
914-712-4816
914-712-4818 fax
818-391-3009 mobile
John.DAversa@shotcrete.com

From: Robert Stepien [mailto:rstepien@yonkerscontractingco.com]
Sent: Wednesday, October 05, 2011 7:15 AM
To: John DAversa
Cc: Andrew Chenault
Subject: Site J - Superior Gunitite scope items being performed by YCC

John – As you are aware and have agreed to, YCC has been performing work that is within Superior Gunitite's scope of work for Site J. To date, this work includes the installation of backforming and fixed frame scaffolding at the B1 level for the outer walls which is clearly included as part of your scope in your subcontract agreement. We understand that Superior Gunitite cannot perform this work since they do not have carpenter crews. YCC will continue to perform this work for you and will be keeping track of it on a time and materials basis. Please advise if you no longer want YCC to perform this work.

Rob Stepien

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EXHIBIT 15

Yonkers Contracting Company, Inc.

Job 0212 Site J

Meeting Minutes

Meeting Date 10-14-13

Location: MTA Headquarters 2 Broadway 8th floor

Site J: Structural Integrity of Shotcrete E1/E2 Inclines at Site J

Attendees:

	Dr. Michael Horodniceanu – MTA President
Jim Strobel-YCC	Mike Kyraciou-MTA Chief Engineer (on-phone)
Robert Stepien-YCC	Shawn Kildare-MTA Project Director
Larry Totten-Superior Gunitite	Ramesh Ramanathaiah-MTA Construction Manager
Frank Townsend – Superior Gunitite	PB Engineers
Charles Hanskat-Hanskat Consulting Group LLC (SG's Engr.)	Simpson, Gumperts & Heger Consulting Engineers (SG&H)

On Monday, October 14, 2013 at 2:30 pm YCC and Superior Gunitite met with representatives from the MTA, PB, and SG&H to discuss the findings of the selective demolition and structural investigation that has taken place the prior week at the E2 incline.

1. SG&H states that voids were found in the shotcrete arches at certain sites of the selective demolition areas done the week before. A large 6" diameter by 2 ft long void was found in the crown and smaller golf ball size voids were found in the shoulders of the arch.
2. A lengthy discussion ensues led by Michael H. about the structural integrity of the E2 incline and if the void compromises the integrity in any way. PB and SG&H continue this discussion and ultimately conclude that the void in the crown is not critical since this is an area of little stress and that only one void has been found.
3. The repair of the void is discussed and it is questioned if it is necessary to repair it or not. Charles Hanskat does not feel it is necessary to repair the void. PB disagrees and states that it must be filled with cementitious grout not epoxy (Prime Resin Void Fill 1400) as was used in the past by YCC at Site J. PB is concerned that the PVC membrane will collapse and puncture at large void areas.
4. SG&H and PB have found that in the inspection areas cut in the E2 arch ceiling, the distance between the centerline of upper rebar mat and the inside face of concrete (called "d") was found to be 2 or more inches less than the depth shown on the contract drawings. (RS Note : However the total thickness of the arch was 19 ½" or 1 ½" thicker than the contract dimensions). PB will analyze this discrepancy to see its effect on the structural integrity of the arch.)
5. PB and SG&H concluded that cementitious pressure grouting must be done in both E1 and E2 arch ceilings on some drilled in spacing pattern. Superior Gunitite to submit cementitious grouting plan.
6. PB recommends installing 2 grout hoses at each chopped inspection area so that the chopped areas may be secondary grouted with cementitious grout after the shotcrete "patch" is completed. This would fill the void found and fill any voids behind the shotcrete patches.
7. The order of repairs discussed by PB and MTA is as follows:
 1. Cementitious grout ceilings on a pattern.
 2. Shotcrete "patch" inspection areas.
 3. Acrylate behind arch last.
8. The meeting adjourns at approximately 4:30 pm.

EXHIBIT 16

Yonkers Contracting Company, Inc.

Job 0212 Site J

Meeting Minutes

Meeting Date 10-24-13

Location: MTA Headquarters 2 Broadway 8th floor

Site J: Structural Integrity of Shotcrete E1/E2 Inclines at Site J

Attendees:

	Dr. Michael Horodniceanu – MTA President
Jim Strobel-YCC	Mike Kyraciou-MTA Chief Engineer
Robert Stepien-YCC	Shawn Kildare-MTA Project Director
Larry Totten-Superior Gunitite (on-phone)	Ramesh Ramanathaiah-MTA Construction Manager
Frank Townsend – Superior Gunitite	PB Engineers
Jenny Engineers	Simpson, Gumperts & Heger Consulting Engineers (SG&H)

On Thursday, October 24, 2013 at 11:30 am YCC and Superior Gunitite met with representatives from the MTA, PB, and SG&H to further discuss the findings of the on-going structural investigation that had taken place this week at the E2 incline.

1. Michael H. wants to focus this meeting about the structural integrity of the E1/E2 inclines. He states that there has been a stop work order placed on the inclines for 3 months now and poses the question –“Do we have a structural issue or not?” and that this issue “needs closure”.
2. Mike Kyraciou reads from ACI 506R-90 sections regarding skill of nozzleman, testing procedures, etc. He also goes on to state that “We are here by complaint” meaning the NYCTA has issued the stop work order after receiving a complaint about the work in E1/E2.
3. Mike K. points out that there is greater than 2” of cover on the rebar (we have 4”-5”) which is good for serviceability and durability of the structure in the long term.
4. Mike K. states that the structural investigation has been a thorough one and everything that could be done was done.
5. Mike K. mentions the water test that was completed this morning on the ¾” holes in the E2 arch. YCC states that there was no take of water or that the holes communicated if less than 6” apart.
6. The independent Engineers state that the void that was found in the crown does not compromise the arch structurally.
7. Mike K. concludes that the structure can carry loads as designed.
8. Mike H. asked “Is the structure solid or not and do you agree with Mike K.?” Erdem from PB answers “Yes- with the following conditions: the voids need to be filled and the shotcrete has an in-place compressive strength of 5000 psi as designed.
9. SG&H questions the compressive strength of in-place shotcrete. SG&H states that their field observations indicate that the in-place shotcrete is not 5000 psi material, especially as you get closer to the back face of the concrete against the waterproofing. SG&H says the shotcrete looks more like 2500-3000 psi material at best. Mike K. then retracts his statement that the structure can carry loads as designed based on the statements made by SG&H.
10. MTA asks YCC if compressive strength data from the recent shotcrete cores was received. YCC states that the smaller cores taken this past July/August were sent out to the Tectonic lab this morning and that the results were expected later this afternoon around 6pm.
11. PB states that since the future building loads are 75% of the total load on the arches, the arches are structurally sound at the moment until the future office tower is built. Shawn Kildare also asks that the foundation loads be checked since the present building height has been reduced substantially as to what was originally planned and the structure designed for.

12. A discussion ensues about what compressive tests were done during construction and how they were taken. YCC states that the structural shotcrete was tested by making test cylinders as per the structural concrete specification and not coring test panels. The compressive strength results were then discussed and it was determined that the results were good with very few exceptions of the 200+ cylinders tested.
13. SG&H states that the compressive tests were done incorrectly and that for shotcrete there should have been cores drilled out of core boxes, and not cylinders cast.
14. The MTA asks Larry Totten (Larry was on the ACI 506-R90 Structural Shotcrete committee) about the correlation between cylinders and cores taken out of core boxes and Larry states "that the cylinders are representative of what is in the wall". SG&H disagrees.
15. SG&H goes on to say that 75% of the probes (selective demolition areas in E2) had defects.
16. Mike H. reminds everyone that Skanska is claiming \$50,000/day in delay costs.
17. Mike H. states that the future building has not been built yet and that the stop work order can be lifted since "the structure is not fully loaded". Based on small current loading "Skanska's work can proceed".
18. SG&H and PB discuss what sections of the structural liner can have 2500 psi concrete and what sections need 5000psi concrete. A diagram was drawn by SG&H on a flip chart showing the first 13" of the arch thickness needs 5000psi concrete and that the remaining 5" of the arch thickness (toward the waterproofing) needs 2500psi concrete. The vertical arch walls require 5000psi concrete through the entire thickness.
19. The next meeting is scheduled for 11 am on Monday when compressive core test results can be discussed.
20. The meeting adjourns at approximately 1:30 pm.

EXHIBIT 17



Capital Construction

July 17, 2013

MTA-YCC-L-00144

Mr. Robert Stepien
Yonkers Contracting Company
511 West 33rd Street, 5th Floor
New York, NY 10001

Subject: Contract C-26510 (Site J): Excavation/Mining/Lining of Vertical Shaft, E1 and E2 Inclined Tunnels and T1 Connector Tunnel & Construction of a Ventilation Building and Station Entrance Structure

Re: Site J Water Test

Dear Mr. Stepien:

As per the telephone conversation with Ali Catik today, you are hereby directed to flood test the E1 tunnel. You can start with the top-most Panel #13 and work your way downwards to Panel #11. This water test must be done on Friday, July 19, 2013.

Your project work will not be accepted until you satisfy the Chief Engineer and Code Compliance regarding the use of shotcrete. Attached is a copy of the Stop Work Order for your information.

If you have any questions, feel free to contact me at (646) 252-8330.

Sincerely,
MTA CAPITAL CONSTRUCTION COMPANY

Ramesh Ramanathalah
Construction Manager

cc: M. Horodniceanu, S. Kildare, M. Schiffman, R. Martone, M. Rafat, S. Asquith, M. Mahmoud,
File

Attachment

The agencies of the MTA

MTA New York City Transit
MTA Long Island Rail Road

MTA Long Island Bus
MTA Metro-North Railroad

MTA Bridges and Tunnels
MTA Capital Construction

MTA Bus Company

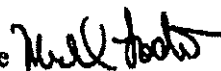
MTA, NYC TRANSIT, CPM
CODE COMPLIANCE OFFICE

STOP WORK ORDER

Date: July 17, 2013

To: Ron Pezik, Program Manager, MTACC
Ramesh Ramanathaiah, Construction Manager, MTACC
Paul Matthews, PE, Construction Manager, MTACC

From: Michael Lodespoto, Principal Code Enforcement Officer, Code Compliance



Re: Contract C-26505 Furnishing and Installing Finishes and Systems on
the 7 West Project – Site J

Under the Administration and Enforcement of the NYS Uniform Fire Prevention
and Building Code as Authorized Under Part 1204 of Title 19 of NYCRR
MTA New York City Transit, a Construction Permit Agency
approved by the Secretary of State issues this **STOP WORK ORDER**

Please be advised that the Temporary Construction Permit issued for Contract C-26505 dated February 1, 2011 and extended on 7/3/2013 until October 1, 2013 has been withdrawn due construction taking place that was not in compliance with the design drawings for which the Temporary Construction Permit was issued.

Reasons why this Stop Work Order was issued:

1. Shotcrete (pneumatically applied concrete) was used in an overhead application on the arches located above escalators E1 and E2. This method is not what was specified in the signed drawings for which the Temporary Construction Permit was issued. A plan to address Code concerns was developed at a July 1, 2013 meeting and has been discussed and documented subsequently. This plan must be completed and the results must be acceptable to the required parties at NYCT.
2. Significant amounts of water leaks have been observed. Water infiltration issue must be addressed.

All work at Site J taking place under the systems and finishes contract, C-26505, shall cease immediately. Work shall not commence until the conditions specified in the attached letter are complied with to the satisfaction of NYCT.


Code Enforcement Officer

7/17/13
Date

cc:

Mohammad Baalbaki (NYCT/MoW), John Barkaus (NYCT/CPM), Mark Bienstock (NYCT/CPM), Anthony Cassella (NYCT/MoW), Gricelda Cespedes (NYCT/CPM), Shawn Kildare (MTA CCC), Michael Kyriacou (MTA CCC), Joe Leader (NYCT/Subways), Frank Mondello (NYCT/CPM), Ken Mooney (NYCT/MoW), Madan Naik (NYCT/CPM), Seymour Portes (NYCT/CPM), Fred Smith (NYCT/CPM)

EXHIBIT 18



October 18, 2013

Mr. Mark Schiffman, P.E.
Program Manager for Design
MTA-Capital Construction
333 West 34th Street, Suite 501
New York, NY 10001

RE: CM-1189R/C26501– Preparation of a Draft and Final Environmental Impact Statement and Provision of Transit Engineering Services for the Proposed No. 7 Subway Extension-Hudson Yards Rezoning and Development Program

SUBJECT: Contract C-26510: Site J E1 and E2 Tunnel Lining Sensitivity Analyses – Revised - *DRAFT*

CIN: MTA-NYCT/CM 1189R-C26501-01-M-1.0-PBT-13F-19753

Dear Mr. Schiffman:

This is a follow up to our on-going discussions with MTACC related to Pneumatically Applied Concrete at Site J.

Earlier, MTACC requested that Parsons Brinckerhoff perform a sensitivity analysis to estimate the level of reserve capacity at a given overhead section of the tunnel liner. We reported a 66% reserve capacity at the crown section, a 60% reserve capacity at the splice section and a 20% reserve capacity at the shoulder areas. Please refer to our September 11, 2013 letter (CIN 19414) for further details.

Since then, as requested by MTACC, Parsons Brinckerhoff visually inspected various cores and probes, reviewed NDT reports, and attended meetings and field visits to review the findings of a field investigation coordinated by MTACC and the Independent Engineers, Simpson Gumpertz & Heger (SGH) and Jenny Engineering, that had been retained by MTACC ("Field Investigation"). MTACC requested that we render our opinion of the as-installed shotcrete lining and to perform a sensitivity analysis based on the observed information gathered from the Independent Engineer's field investigation. This letter summarizes the latest sensitivity analysis.

As requested by MTACC, a second lining sensitivity analyses for the typical tunnel overhead sections of the Site J E1 and E2 Tunnels was performed based on the existing reinforcing bar locations as found during the Field Investigation (i.e. plan vs. actual locations). As actual field work for this Field Investigation was performed largely by SGH, Parsons Brinckerhoff performed this analysis based on the as-installed reinforcing bars reported in the attached table, "Deep Probe Documentation" by SGH dated 10/16/2013. This table shows the observed depths and locations of installed bars at 8 locations. Please note that the data provided by SGH pertains to Tunnel E2 and is assumed to be generally representative of the characteristics of Tunnels E1 and E2 for the purpose of this analysis. The computations do



not account for effects of potential defects due to the presence of voids. We have assumed that the in-place concrete strength is as shown on the contract plans.

The following table summarizes the demand, *as-designed* and *as-installed* capacity information of the typical section of the Tunnel E1 and E2 liner:

	At Crown		At Splices		At Shoulders	
Demand, μ (ft-k/ft)	80.4		90.3		204.0	
	<i>As-Designed</i>	<i>As-Installed</i>	<i>As-Designed</i>	<i>As-Installed</i>	<i>As-Designed</i>	<i>As-Installed</i>
Capacity, ϕ_b Mn (ft-k/ft)	240.3	196.2	226.0	181.6	253.9	205.8
Demand/Capacity Ratio	0.34	0.41	0.40	0.50	0.80	0.99
Reserve Capacity (%)	66%	59%	60%	50%	20%	1%

The above sensitivity analysis indicates an as-installed 59% reserve capacity at the crown section, 50% reserve capacity at the splice section and 1% reserve capacity at the shoulder areas. As agreed, we did not perform an analysis of the lower section of the arch below the haunch.

The as-built analysis is based on the as measured positions of the arch reinforcing steel and does not include the presence of defects (voids, etc) observed in this field investigation as it was judged that they appear to be small local defects and that 1) they will be addressed in a follow on grouting program and 2) they are already accounted for in the phi factor included in our calculations (the phi factor is a code requirement to account for material variations).

Therefore, based on our review of the information available from this Field Investigation (for details refer to Independent Engineering field investigation report) in comparison with the above structural sensitivity analysis of selected portions of the tunnel sections, it appears that the design intent to provide required structural capacity can be met by the tunnel structure in the areas investigated, provided that the compression strength tests from these areas indicate that the required concrete strength has been met and that a cementitious grouting program is instituted to minimize any voids.



**PARSONS
BRINCKERHOFF**

NYCT – Number 7 Extension Project
1 Penn Plaza
New York, NY 10119

Our opinion presented in this letter shall not serve as a warranty of the tunnel structure, and is not intended to change the responsibilities of the Contractor or any other party.

Should you have any questions or wish to discuss further, please advise me.

Sincerely,

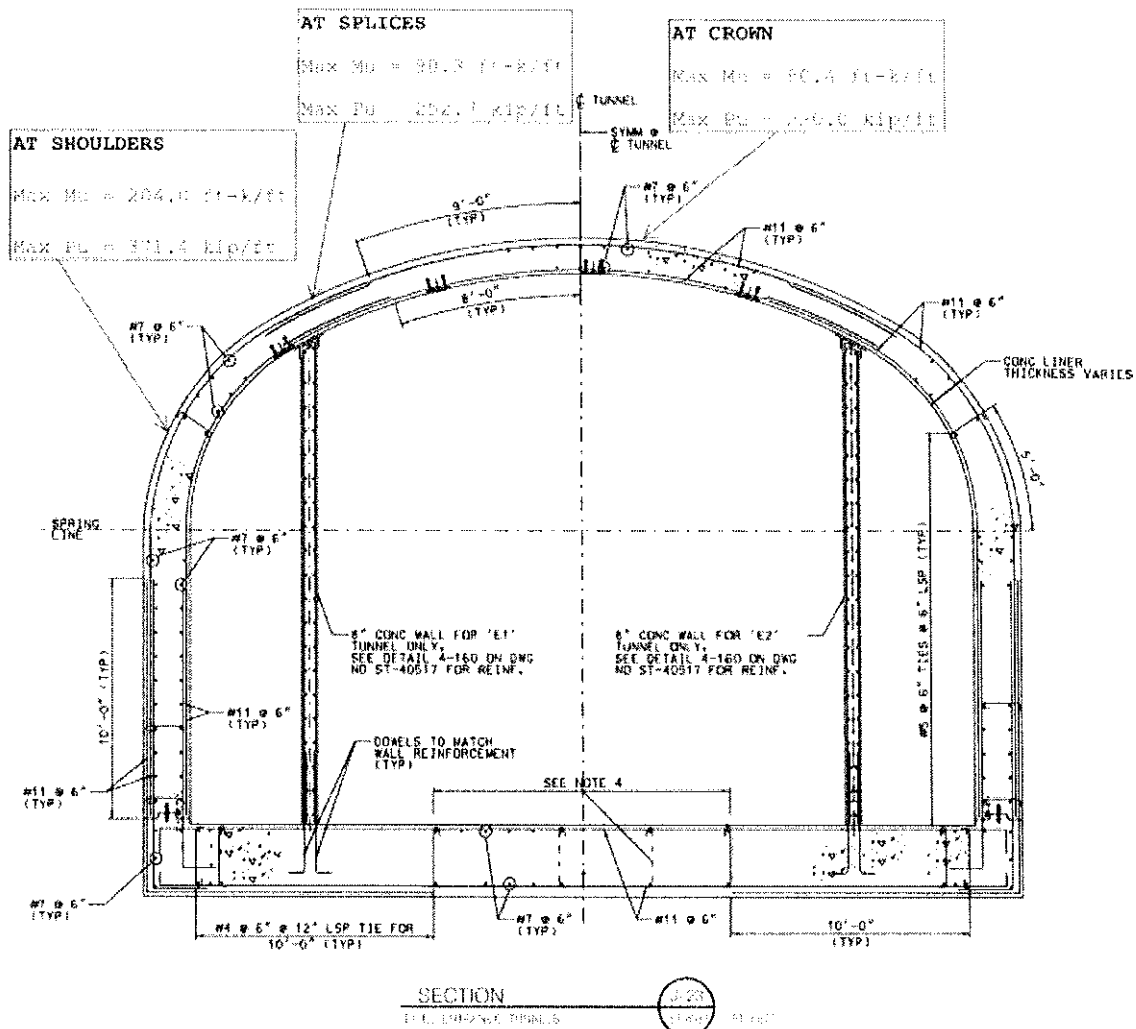
Parsons Brinckerhoff, Inc.

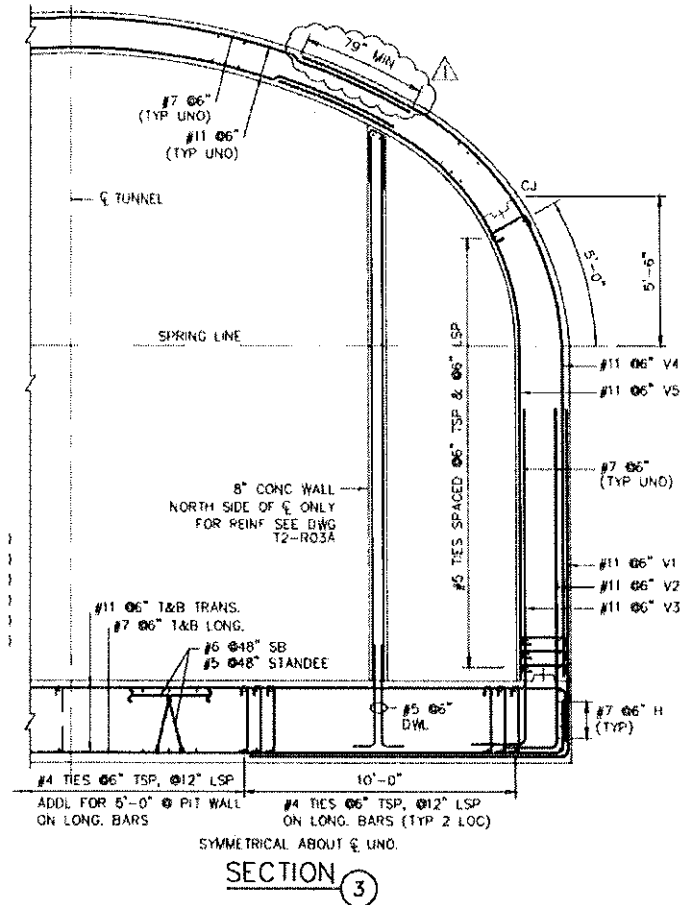
Erdem Dogan, P.E.
Project Manager

Michael J. Abrahams, P.E.
Technical Director, Structures

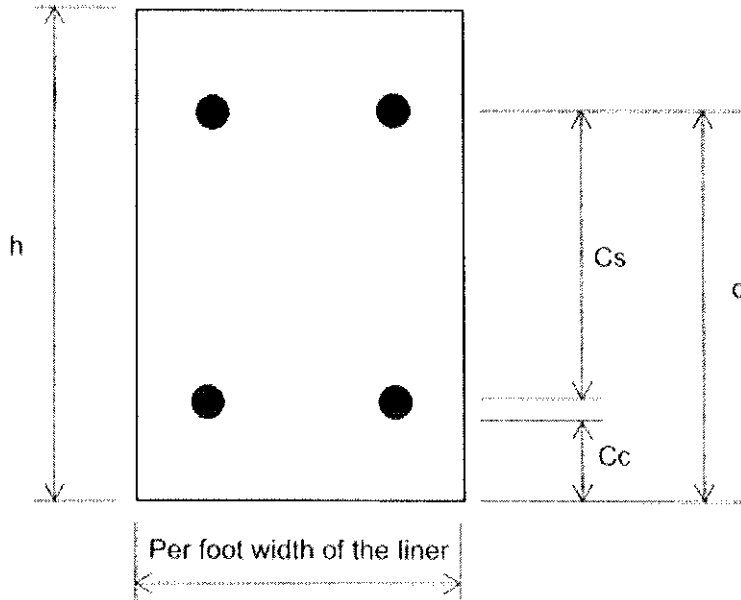
Att. Typical E1 and E2 Tunnel Section Design Reinforcing Details – Contract Drawing ST-40576
 Typical E2 Tunnel Section Reinforcing Details – Shop Drawing J03200-014 Rev1
 Typical E1 and E2 Tunnel Section Capacities
 "7 Line Probe Plan" by SGH
 "Deep Probe Documentation" by SGH, dated 10/16/2013

cc. PDCC





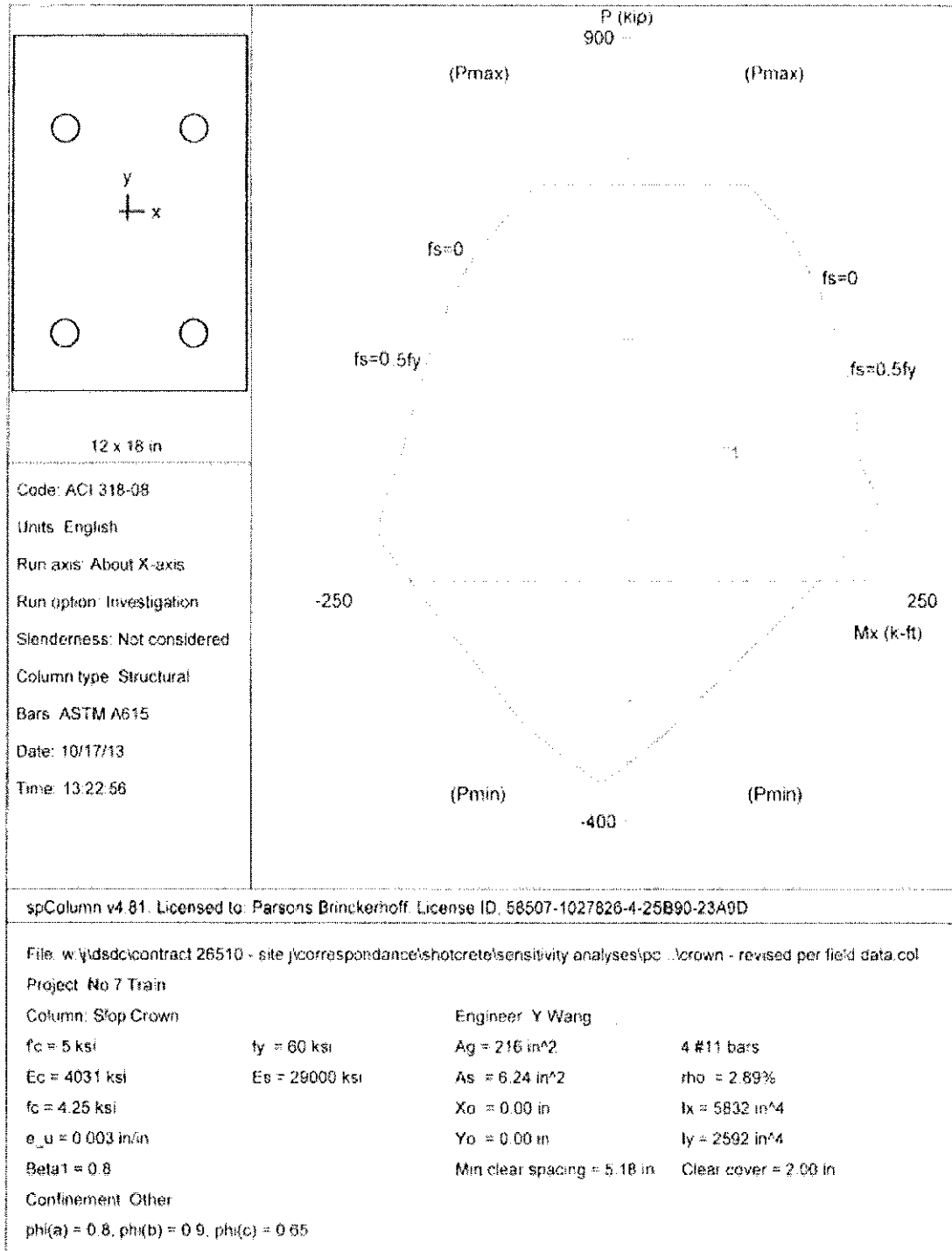
Typical E2 Tunnel Section Reinforcing Details – Shop Drawing J03200-014 Rev1



h = depth of the liner
Cc = clear cover
Cs = center-to-center rebar spacing
d = effective depth

Typical Liner Section with Main #11 Reinforcing bars

	h (inches) <i>As -Designed</i>	Cc (inches) <i>As-Installed</i>	Cs (Inches) <i>As-Installed</i>
At Crown	18	(Approx.) 4	(Approx.) 10.4
At Splices	18	(Approx.) 5	(Approx.) 9.4
At Shoulders	21	(Approx.) 5	(Approx.) 9.9



Typical Section Capacities – At Crown [as- installed]

[illegible][illegible][illegible]

```

Title: Momy: vil'nyy i svetlyy put' (Momy - the noble and bright path)
Project: Momy 1.1.1
System: Sisyphus
Code: M1.110-00
Keywords: Momy
Unit 1 - Momy

```

```
Run Options: Java-Options: -Xmx1024m -Xms128m
Run Args: -Xmx1024m -Xms128m
Stderr: null
Exit Code: 0
Column Type: String
```

Davidson, L. & J. A. H. 1991

$\chi^2_{(1)} = 5.161$ $df = 1$ $p = 0.022$ $\phi^2 = 0.121$ $\phi^2_{adj} = 0.116$ $N = 100$	$\chi^2_{(1)} = 5.161$ $df = 1$ $p = 0.022$ $\phi^2 = 0.121$ $\phi^2_{adj} = 0.116$ $N = 100$
--	--

2014年12月15日

[illegible]

Summary and Conclusions

New Delhi, India		New Delhi, India		New Delhi, India	
Year	Area (km ²)	Year	Area (km ²)	Year	Area (km ²)
1981	11.15	1982	11.15	1983	11.15
1984	11.15	1985	11.15	1986	11.15
1987	11.15	1988	11.15	1989	11.15
1990	11.15	1991	11.15	1992	11.15

Confinement: Other: NS: none with HIP data, 44 and 14960 Data
 phase1 = 0.6, phi(1) = 0.9, phase2 = 0.05

Elevation: Irregular
 Total steel area: $A_s = 6.74 \text{ in}^2$ at $(b_w = 20.0)$
 Minimum clear spacing = 3.16 in

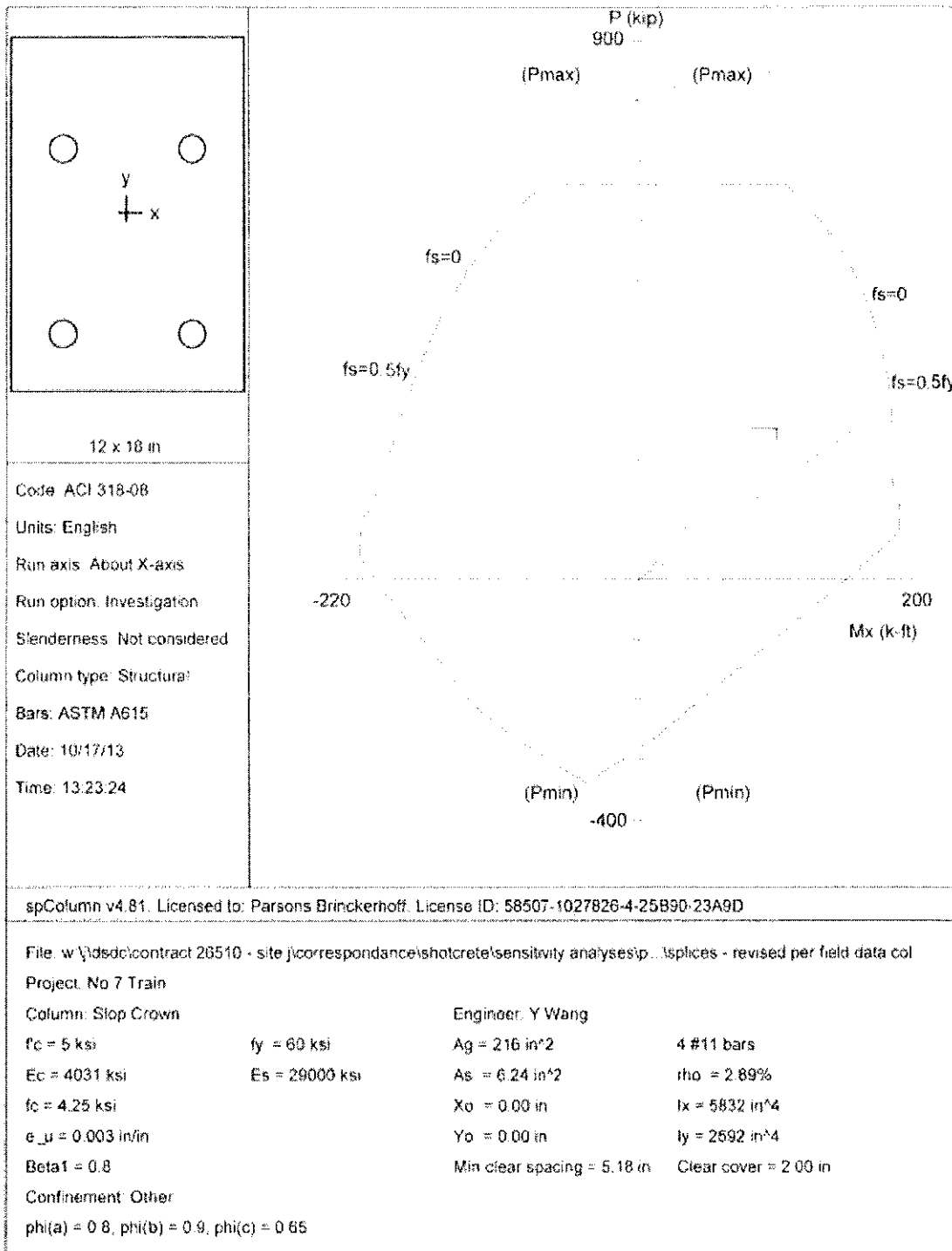
Area 1m ²	X (m)	Y (m)	Area 2m ²	X (m)	Y (m)	Area 1m ²	X (m)	Y (m)
1.96	8.3	-4.3	1.86	8.3	-4.3	1.96	8.3	-4.3
1.96	8.3	-6.1						

Factored Loads and Moments with Corresponding Capacities:

Sample	Pu exp	K _{eff} exp	Pu/M ₀ FEM	Pu/M ₀ /Pu FEM	SA depth in	SA depth in	exp. t. s	Pu FEM
1	2.00E-04	0.0000	1.97E-04	1.00E+1	0.00	15.10	0.00100	0.000

^a $\chi^2 = 1.72$; $df = 1$; $p = .09$.

Typical Section Capacities – At Crown [as- installed]



Typical Section Capacities – At Splices [as- installed]

[illegible]

Environ. Biol. Fish. (2015) 98:1031–1041

Title Name: Willamette University Study - Life Experiences and Explorer - extended per letter received
Project: RPT-1000
Submitted: Exp. Review Engineering & Safety
By: Bill Johnson Nuclear Eng. Lab

Pub Special: Investigator Classification: Not Classified
 Pub Name: Blank Colony Type: Structural

Material Properties:

[illegible]

SAFE COPY

[illegible][illegible]

Size Diam 100 Area 100%				Size Diam 200 Area 100%				Size Diam 400 Area 100%			
# 3	0.16	0.11		# 4	0.15	0.25		# 5	0.05	0.12	
# 6	0.05	0.43		# 7	0.08	0.60		# 8	0.07	0.79	
# 9	1.13	1.90		# 10	1.27	1.27		# 11	1.41	1.60	
# 14	1.09	2.27				0.00					

Confinement: strong for ties with 1st rank, 1st with larger lower
 value = 0.5, utility = 0.5, phint = 0.55

Notes: 1.500 ft
Total length 20.00 m at 100 m scale
Minimum clear spacing = 1.00 m

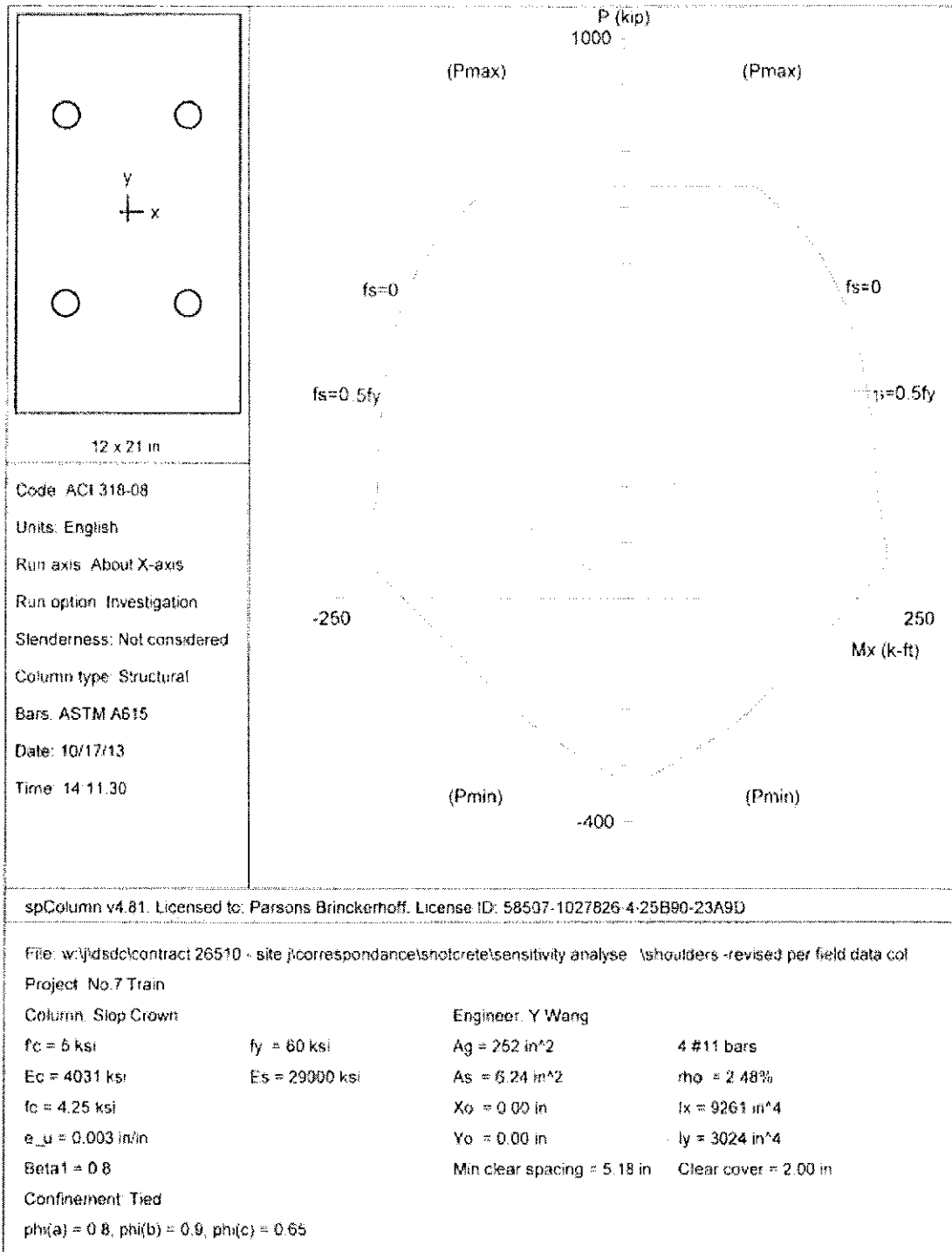
[illegible]

Factored Loads and Moments with Corresponding Capacities:

[illegible]

422 *Journal of Health Politics, Policy and Law*

Typical Section Capacities – At Splices [as- installed]



Typical Section Capacities – At Shoulders [as-installed]

STREPTOTREPHONUS - Agnoscus 94.1.1983	PAGE 2
collected from shallow brackish water, located 100 km N of Laguna de Agaña, Palau	001974
Wijnhoven/Beckers 2010 - this Streptotrephonus species is considered a revision per Linda deGisi	001102

General Information

File Name: program\contract 2626 - site geotechnical...shoolders - revised per field actual
Project: 2626 - 2nd
Volume: Site Plans
Date: Oct 11-04
Engineer: Y Wang
Unit: English

[illegible]

Major findings

[illegible]

2008年12月

```

Pecanangelus World - 12 in
Depth - 21 in

GROSS WEIGHT OF THE BAG = 112.00 g
IN = 39.11 in
TA = 0.00000000
NO = 0.00000000
IN = 39.11 in
TA = 0.00000000
NO = 0.00000000

```

2000年12月12日

Use: Salt Marsh											
Wetland Plant Area (m ²)				Wetland Plant Area (m ²)				Wetland Plant Area (m ²)			
1	0.00	0.00	0.00	1	0.00	0.00	1	0.00	0.00	0.00	
2	0.00	0.00	0.00	2	0.00	0.00	2	0.00	0.00	0.00	
3	0.00	0.00	0.00	3	0.00	0.00	3	0.00	0.00	0.00	
4	0.00	0.00	0.00	4	0.00	0.00	4	0.00	0.00	0.00	

CONTAINMENT: Ties: 1b tied with 41b bars, 4b with larger bars.
 ph: 1b = 0.8, 4b: 0.5, ph: 1b = 0.55

[illegible]

Total swept area ha = 6.24 m² at 0.1 m x 0.48 m
Minimum clear spacing = 0.12 m

Area (m ²)	X (m)	Y (m)	Area (m ²)	X (m)	Y (m)	Area (m ²)	X (m)	Y (m)
1.56	-0.3	-0.1	1.56	0.1	0.1	1.56	-0.3	-0.3
1.56	0.3	-0.3						

Factored Equations and Moments with Corresponding Diagrams:

Age	PW kg	BGA x-1%	CHIMES L-Ft	CHIMES C-100,200-KA	depth in	depth in	app ₁	PW ₁
1	171.40	234.36	234.36	7.90	12.43	15.36	0.89837	0.638

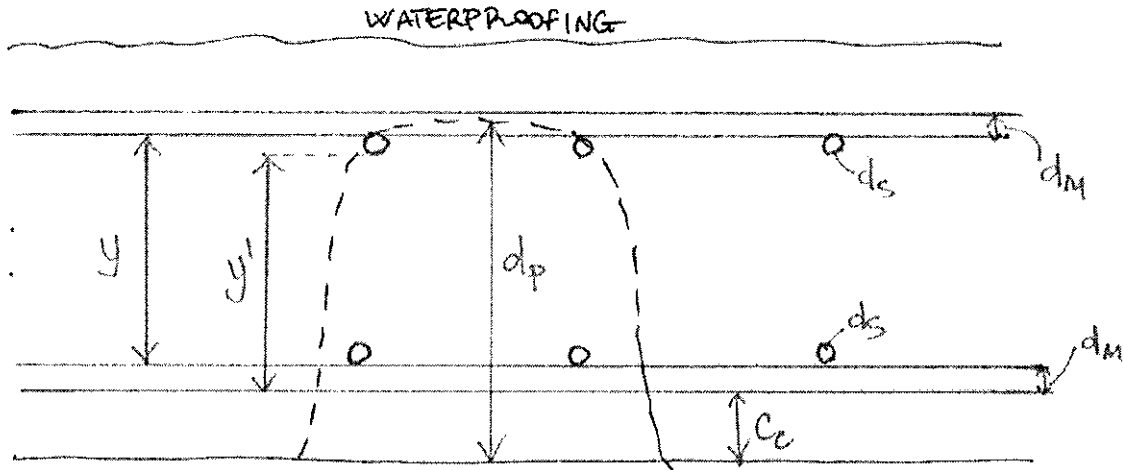
• • • End of subject. • • •

Typical Section Capacities – At Shoulders [as- installed]

CLIENT MTACC

SUBJECT 7 LINE EXTENSION - E1/E2 INVESTIGATION

DEEP PROBE DOCUMENTATION



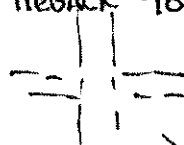
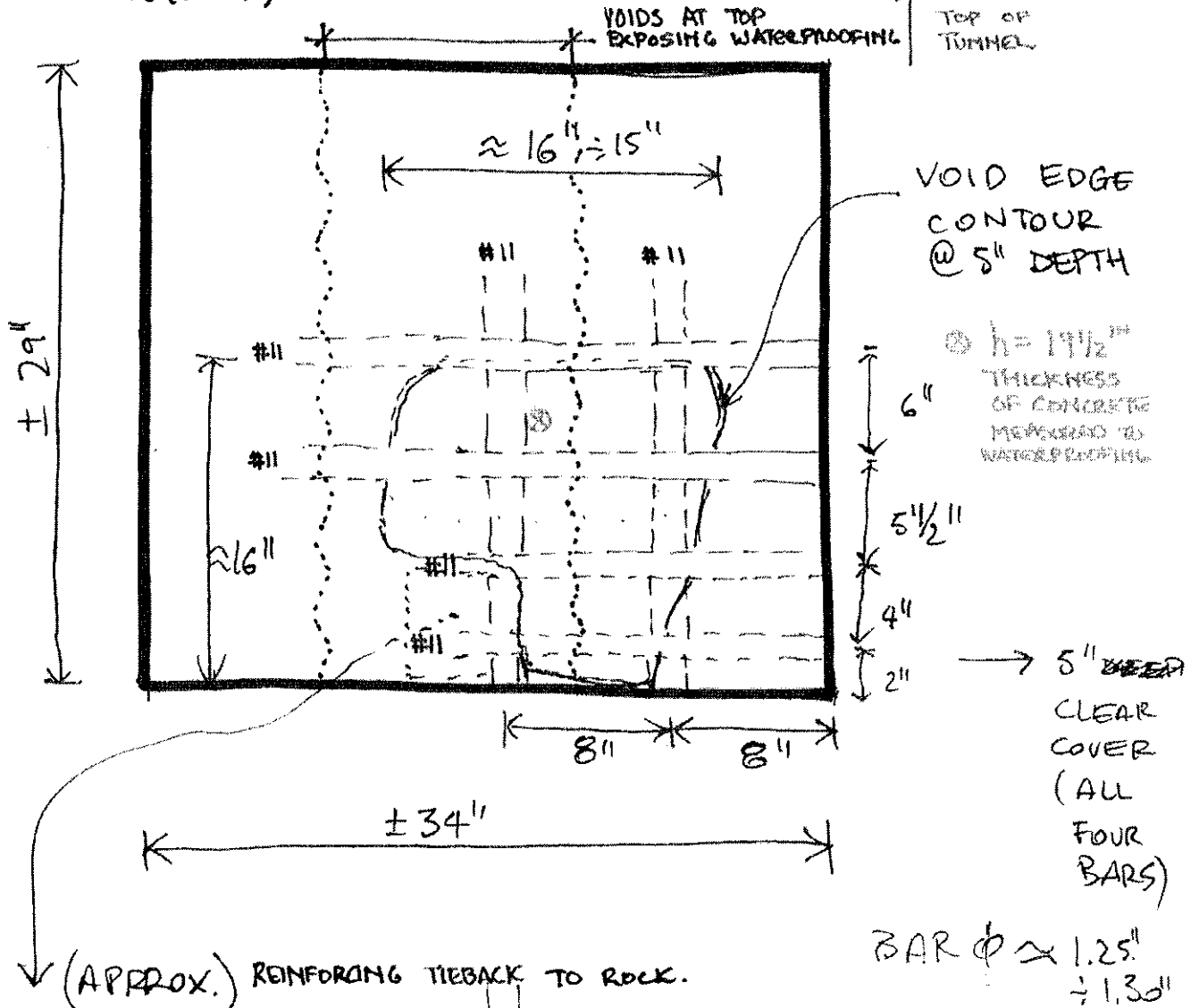
PROBE	dp	cc	dm	ds	y	y'	SPECIFIC OBSERVATION COMMENTS @ DEEP PROBES
CP1	19" ÷ 20"	4" ÷ 5"	#11	#11	≈ 8.5" ÷ 9"	≈ 8" ÷ 8.5"	LARGE VOID TO WATERPROOFING
SP2 A	11" ÷ 12"	3" ÷ 5"	#11	#7	N/A	≈ 8.5"	BARS ENCASED WITH CONCRETE
SP2 B	≈ 14"	4" ÷ 5"	#11	#7	≈ 8"	≈ 8.5"	ISOLATED AREAS (3" φ) OF POOR CONSOLIDATION @ BACK OF DEEP PROBE
SP3 I	≈ 12" ÷ 14"	4" ÷ 5 1/2"	#11	#7	N/A	≈ 7 1/2"	BARS ENCASED WITH CONCRETE
SP3 II	≈ 12" ÷ 13"	4" ÷ 5 1/2"	#11	#7	N/A	≈ 8"	BARS ENCASED WITH CONCRETE
CP4	≈ 9" ÷ 11"	3" ÷ 4"	#11	#11	N/A	7" ÷ 8"	POOR CONSOLIDATION ALONG #11 BAR FOR LENGTH OF 12"
CP5	≈ 13"	≈ 4"	#11	N/A	N/A	N/A	ISOLATED AREAS (5" φ) OF POOR CONSOLIDATION AT BACK OF DEEP PROBE
SP6	≈ 13"	≈ 3"	#11	#7	N/A	≈ 7"	ISOLATED AREAS (5" φ) OF POOR CONSOLIDATION AT BACK OF DEEP PROBE

CLIENT MTACC

SUBJECT T LINE EXTENSION - E1/E2 INVESTIGATION

PROBE 1 (CP1)

INSIDE (BOTTOM) STEEL



(INNER)
BOTTOM
REINF.

CLIENT MTACC

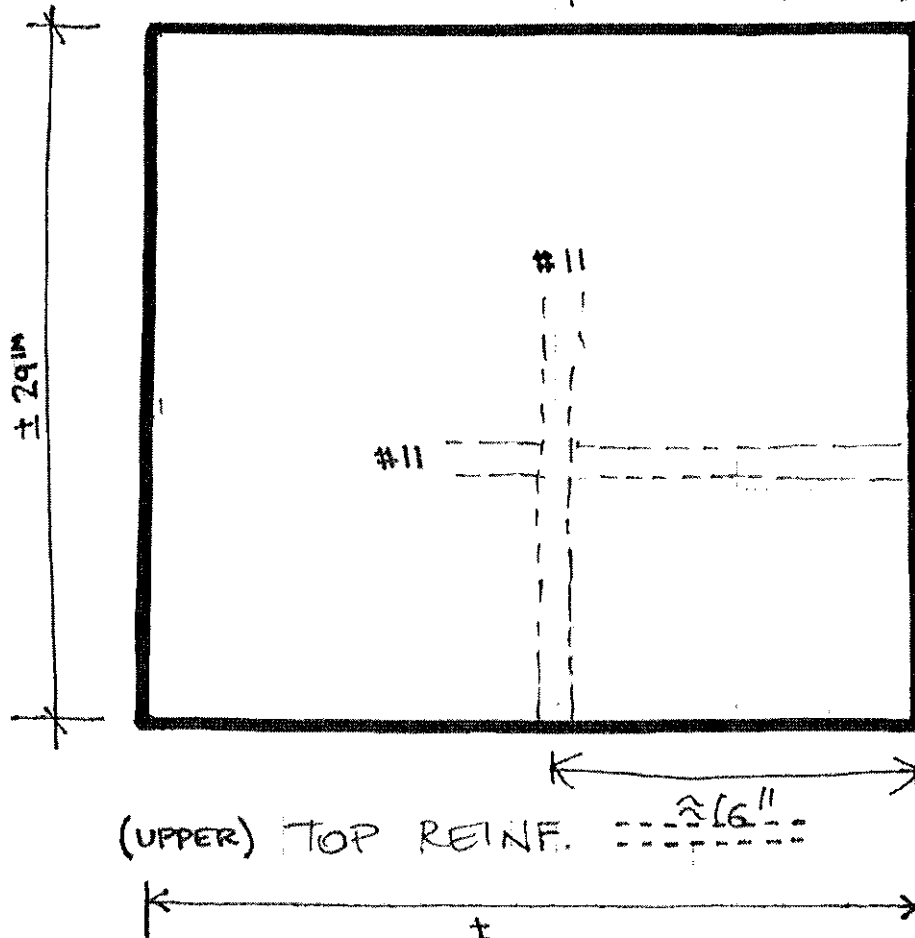
SUBJECT T LINE EXTENSION - E1/E2 INVESTIGATION

PROBE 1 (CP1)

OUTSIDE (TOP) STEEL

→ $\approx 12"$ DEEP

→ $5\frac{1}{8}" \div 6"$ CENTER
TO CENTER
FROM BOTTOM BAR
(LONG.)



→ $\approx 14"$ DEEP

$8\frac{1}{2}" \div 9"$ C.T.C.
FROM
BOTTOM
#11 BAR
(TRANS.)

(UPPER) TOP REINF. $\approx 6"$

CLIENT MTACC

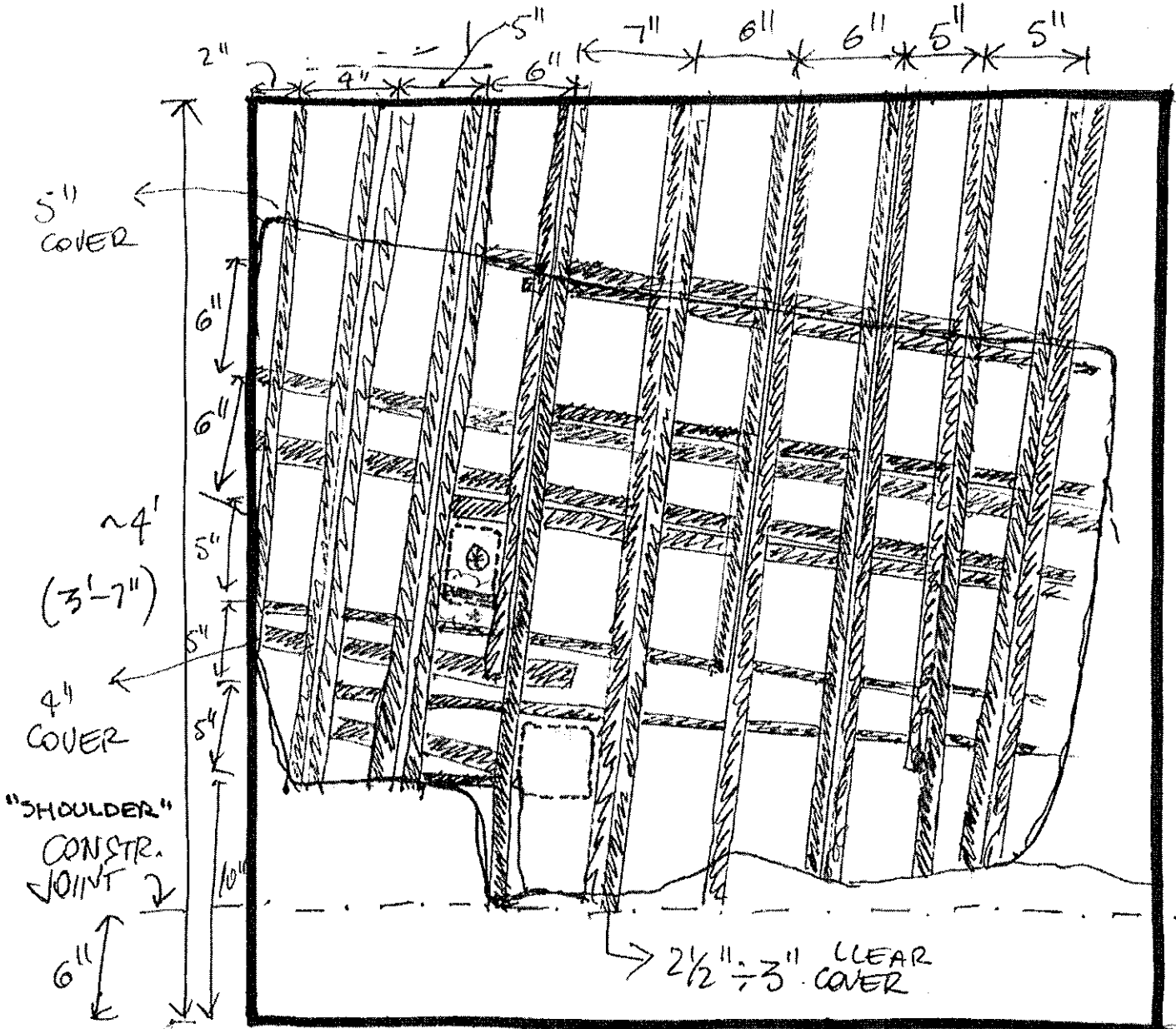
SUBJECT TLINE EXTENSION - E1/E2 INVESTIGATION

PROBE SP2A

(SHOULDER)

UP (TOP) TUNNEL

N (NORTH INTO PAGE)



* FACE TO FACE DISTANCE BTW #7'S IS 45 1/2"

7" BTW BACK OF OPENING TO FACE OF #11 BAR

DEEP PROBE LOCATION

#7 BACK BAR

~4' (3'-11")

#7 BARS

#11 BARS

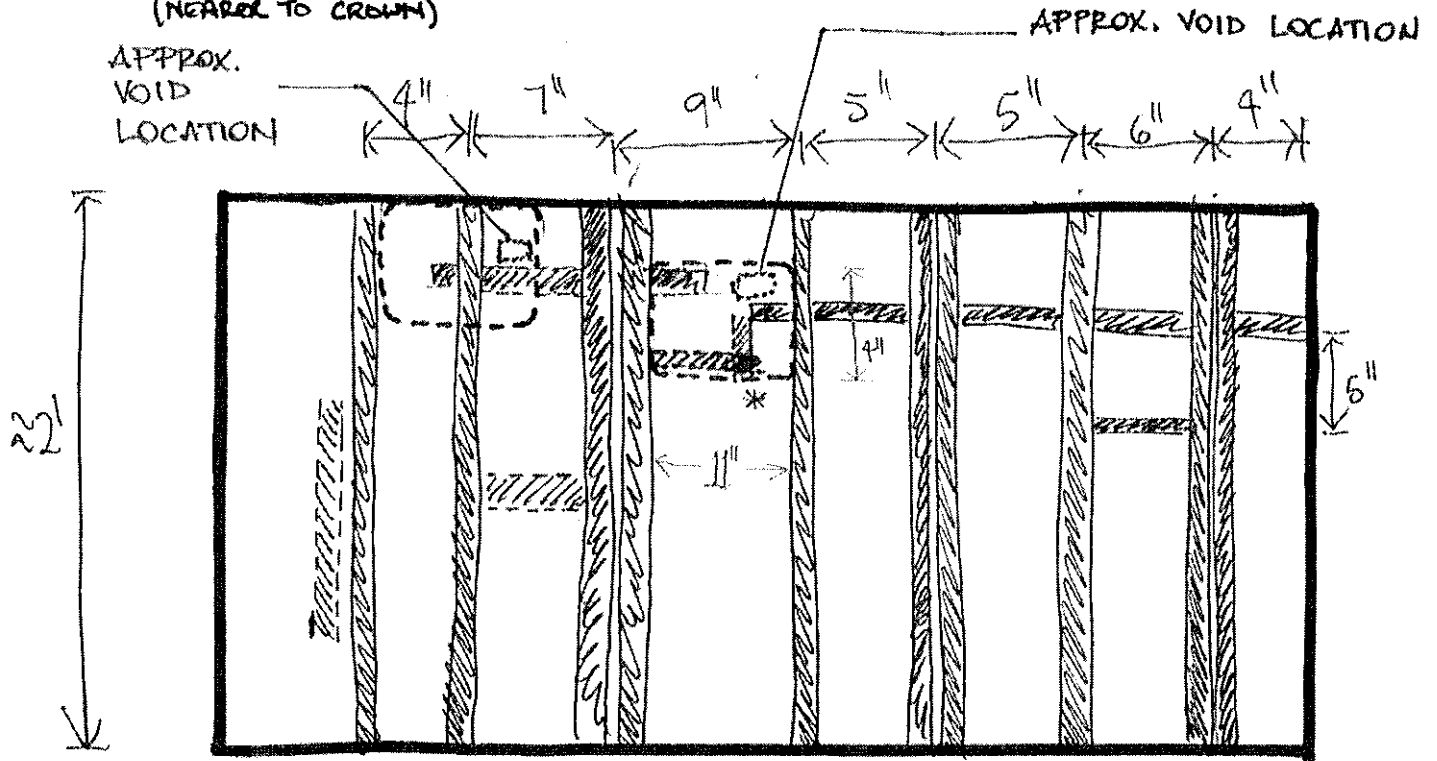
FRONT BARS

CLIENT MTACC

SUBJECT 7 LINE EXTENSION - E1/E2 INVESTIGATION

PROBE SP2B

(NEARER TO CROWN)



(TOP)
← UP TUNNEL E2
⊗ (NORTH IS INTO PAGE)
N

← 24' →

4 1/2" TYP.
CLEAR
CONCRETE
COVER

□ DEEP PROBE
LOCATION

BACK
#11 BARS
#7 BARS

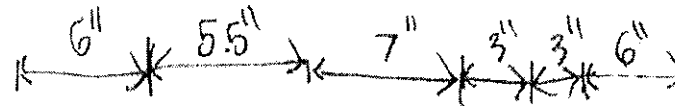
FRONT
#11 BARS
#7 BARS

*(APPROXIMATE) CENTER TO CENTER DEPTH OF #11 BARS = 9.5"

PROBE SP3 - TOP

UP (TOP) TUNNEL

⊗ NORTH INTO PAGE



4" COVER

5 1/2" COVER

5" ÷ 5 1/2" COVER

DEPTH OF
3" FROM
FACE ADJACENT
#11 BAR

DEEPER
#11

~ 7 1/2" FROM
FACE OF
#11 BAR

8" FROM
FACE OF
#11 BAR

FRONT REINF.

#11

#7

BACK REINF.

#7

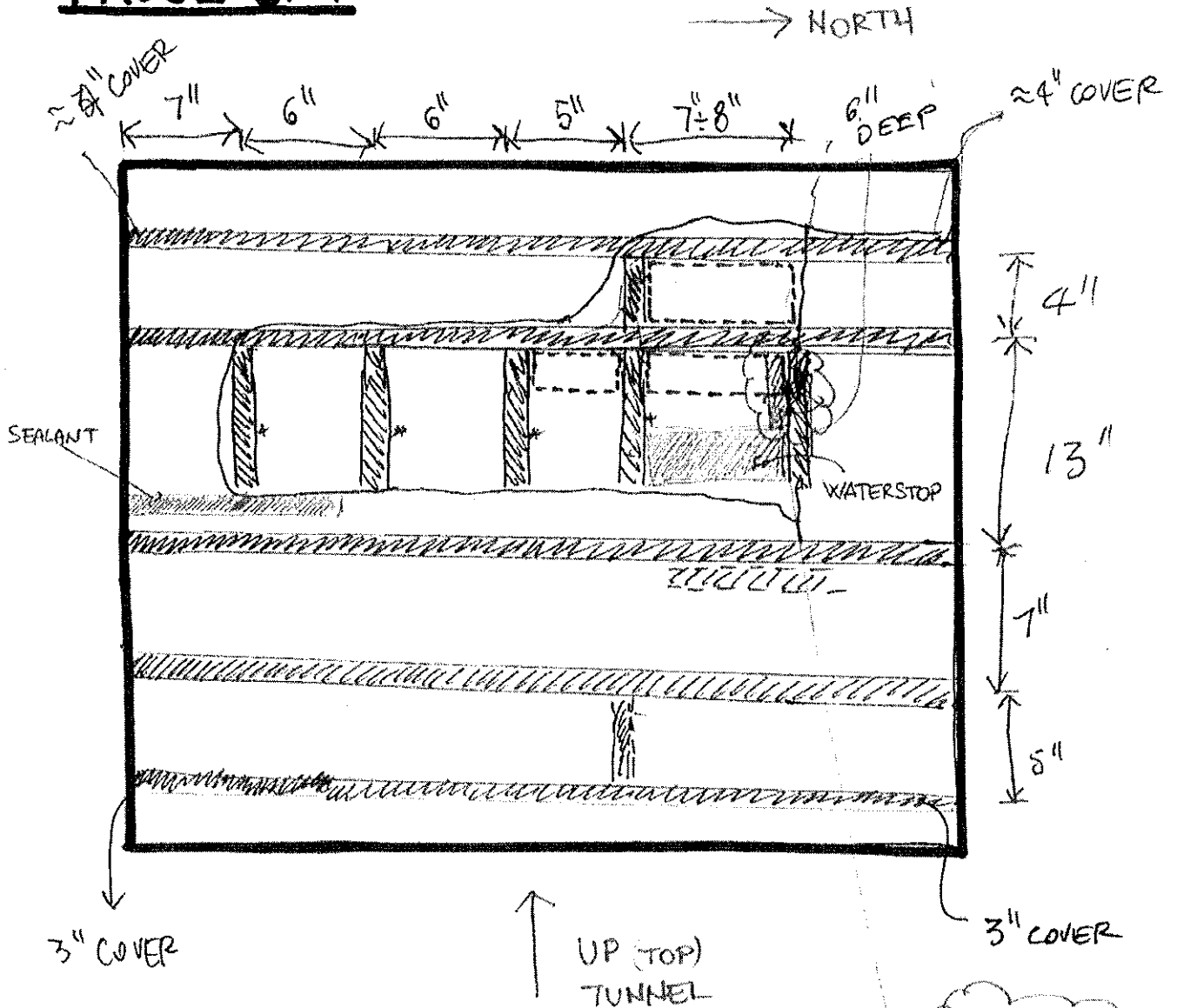
DEEP
PROBE
LOCATION

STEEL
PLATE

12" x 16"

5" ÷ 6"

PROBE CP4



 DEEP PROBE
LOCATION

* APPROX. DEPTH
OF 6 1/2" - 7"

NOTE:
ALL BARS
ARE #11 BARS
ALL REINFORCEMENT IS
INSIDE FACE

CLIENT MTACC

SUBJECT 7 LINE EXTENSION - E1/E2 INVESTIGATION

SHEET NO. CP-5

PROJECT NO. 100627.01-7LIN

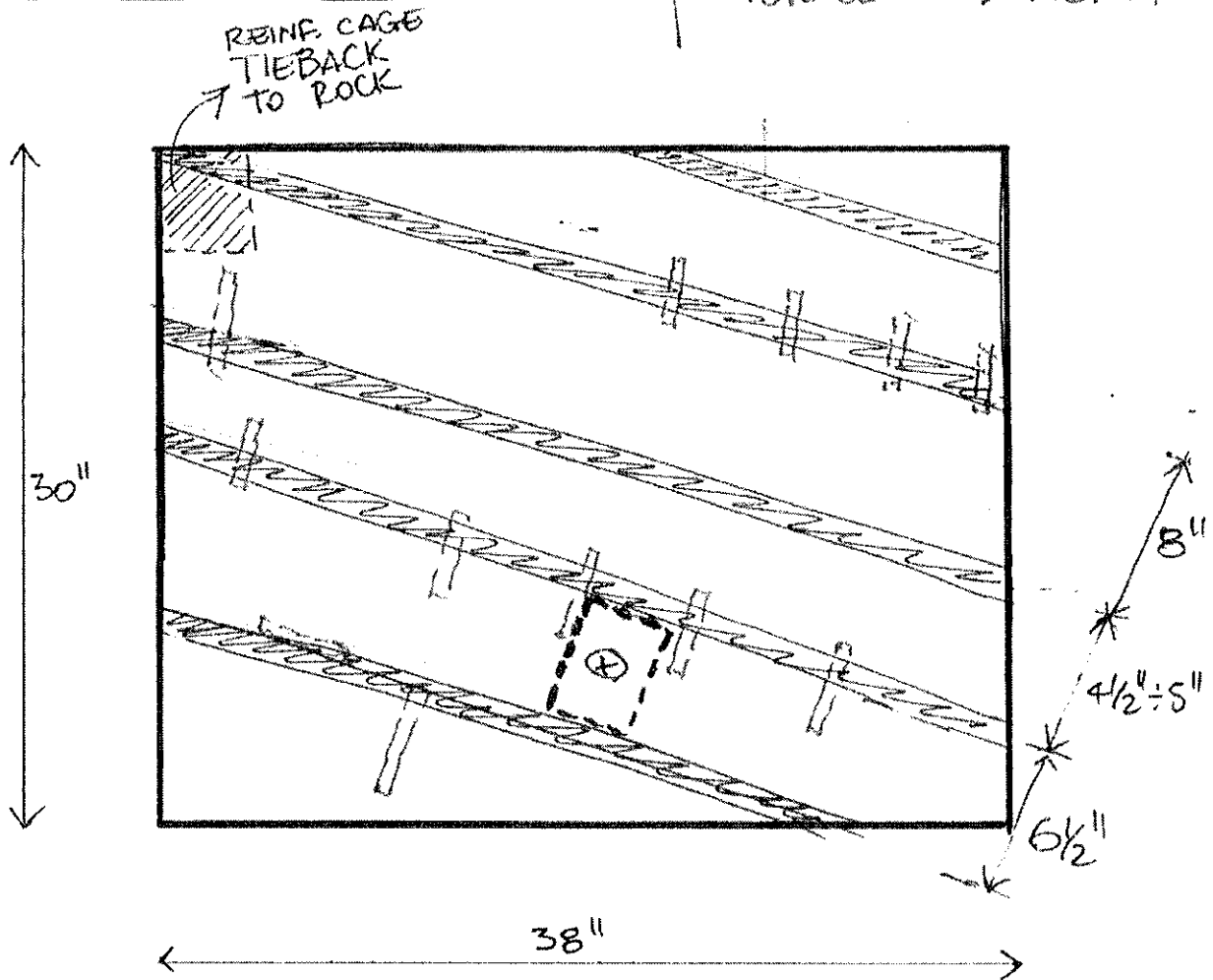
DATE 16 OCTOBER 2013

BY ADL

CHECKED BY _____

PROBE CP-5

↑ TOP OF TUNNEL → NORTH



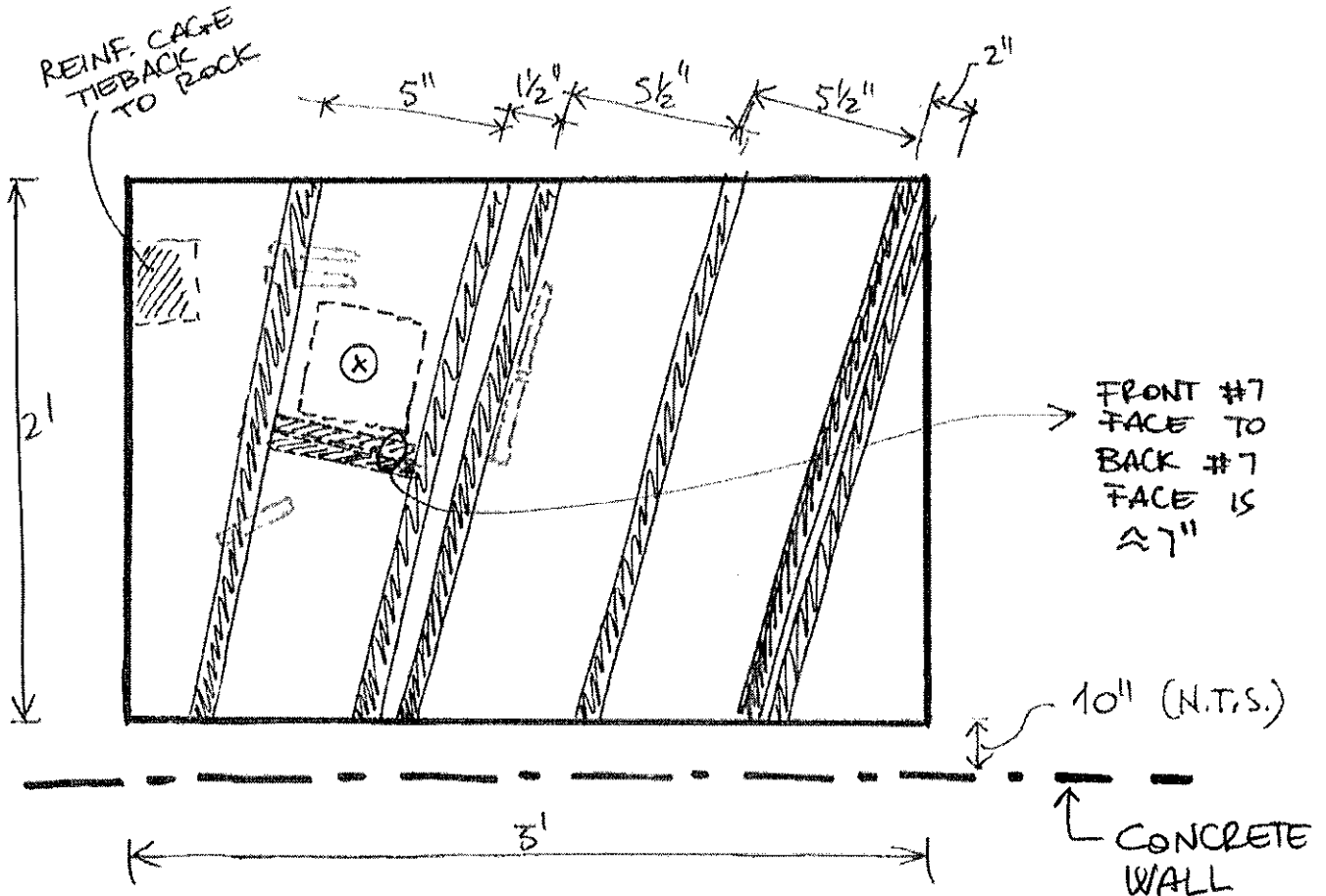
4" COVER (CLEAR, TYP.)

--- DEEP PROBE
LOCATION

/// FRONT #11 BARS

--- TIES (#4 OR #5)

PROBE SP6



3" COVER (CLEAR, TYP.) -

FRONT
#11 BARS

BACK
#7 BAR

TIES (#4 OR #5)

FRONT
#7 BAR

DEEP PROBE
LOCATION

⊗ BACK OF OPENING
TO FACE OF #11 ≈ 10"



EXHIBIT 19

HANSKAT CONSULTING GROUP LLC

2840 Sugar Pine Circle
Northbrook, IL 60062

Phone or Text: (847) 682-3676
Email: CHanskat@HanskatCG.com

October 18, 2013

Via Email: Frank.Townsend@Shotcrete.com

Mr. Frank Townsend
Superior Gunite
217 Broadway, Suite 610,
New York, NY 10007

Subject: Preliminary Evaluation of Shotcrete Liners
E1/E2 Escalator Tunnel at Site J
MTA Capital Construction, New York City, New York

Dear Frank,

You have retained me to provide an evaluation of the structural integrity of the as-built E1 and E2 Escalator Tunnel Shotcrete Liners on the MTA Capital Construction Site "J" project. After meetings with MTA and the General Contractor, Yonkers Contracting Company you have indicated you want me to comment on the following items:

- Potential cause of the large voids
- Probability of future voids
- Effect of voids on corrosion
- Effect of water collecting in any voids
- Structural impact of voids
- Long term durability of the shotcrete

Site Visit – October 13

On Sunday, October 13, you and David with the MTA accompanied me to the site. Previously, Superior Gunite had opened up seven inspection areas (3' to 4' square in plan dimension) to expose embedded reinforcing bars, and the surrounding shotcrete encasement. There were also several areas where cores had been extracted from the tunnel sections. Other parties visiting the site have documented the specific size and location of the inspection areas.

Evaluation

Inspection areas on the sides (primarily vertical sections) showed generally good encasement of the reinforcing bars including splice zones where #11 bar splices were spaced together and #7 bars running perpendicular. #11 bars are difficult to fully encase with shotcrete, and tying two #11 bars makes it even more difficult. Superior's nozzlemen did a very good job encasing the bars. In one core hole there was evidence of small void (3/8" to 1/2") shadowing behind the closely spaced bars. Another core showed a large void (3/4" to 7/8"). On the side inspection areas, a few deeper probe holes extended more deeply embedded reinforcement. Shotcrete exposed in the space between the outer and inner layers of reinforcing steel looked solid.

The inspection area at the crown of the tunnel and top of the incline showed the good encasement of the outer mat of reinforcing, once again comprised of #11 and #7 bars. Good encasement was also found behind the steel

plates used to hold the reinforcing in place before shooting. However, a large void was evident starting immediately behind the outer mat of reinforcing, and snaking back through the section. Others have probed the void with a borescope and reported it extends up to three feet through the section, and has a rough diameter of 3". This was a defect introduced while shooting.

Though I was not present during shooting, I do have a theory based on my past experience with a wide variety of shotcrete on how such an atypical void could have been created. Reportedly, the shooting technique was to bench the shotcrete sections building a full depth (designed as 1'-6", but reportedly may be up to 2' thick) as the wall is built up from the sides. This is a standard technique of thick sections. However, at the crown of the arch location where the large void was found, the nozzleman would have needed to bring the two benched areas from either side and from down the slope together, and fill in the area from back of section through to the top surface. This would thus have a "V" shaped gap that would be filled in. Overhead shooting of wet-mix shotcrete while moving on a fixed scaffold is the most difficult work a nozzleman can undertake. He needs to look into the section he is shooting while rebound is falling back on him, while manipulating a heavy rubber hose full of concrete up into the heavily reinforced section over his head, and with material velocity exiting the nozzle is trying to push the nozzle back down. Though, the void discovered is not typical of good shotcrete work, it is understandable how this particular section of the tunnel lining was extremely challenging to shoot.

Preliminary Findings

The following text addresses each of the topics you've requested:

Potential cause of the voids

I've explained my theory on the large and rather long void found at the crown above. Though not representative of good shotcrete placement, it is understandable. The combination of very heavy reinforcement, with a thick section and shooting directly overhead are contributing factors. Looking at the smaller individual voids up to maybe 1" in diameter as seen in the cored holes, these were immediately behind very large #11 bars, often with two bars tied together for a splice, and sometimes with a #7 bar crossing perpendicularly. It is extremely difficult to get shotcrete to flow around the bars as two #11 adjacent bars create a solid barrier to shotcrete flow 2.75" across. Though not impossible to encase, they are difficult, and this configuration increases the likelihood that this voids may be created during shooting.

Probability of future voids

There is no reduction in material quality caused by the voids. With the good concrete quality there is no expectation that the in-place shotcrete will be deteriorated by exposure to groundwater or the atmosphere to the point of creating future voids. Based on my theory about the creation of the large, long void at the crown, I expect this is an atypical situation and will not be found routinely in other areas of the tunnel lining. The smaller voids as found in the side walls may occur at other locations in the walls, but would not be expected to be any more frequent or significantly larger in size, as they were created by the difficulty of shooting the very heavily reinforced sections with #11 bar lap splices, and that configuration is consistent in the tunnel walls.

Effect of water collecting in any voids and potential for corrosion

An inquiry was put forth that in the future water may seep through the concrete sections and eventually fill any voids that may be in the section, and would that eventually cause corrosion of the bars.

Corrosion of the reinforcing bars needs water and oxygen present to eventually exceed the corrosion threshold of the steel embedded in the alkaline environment of the concrete. We have provided a highly alkaline environment with 760 lbs of cementitious material per cubic yard of the 5,000 psi concrete. Additionally, the voids were not at the surface but embedded behind the outer face of the reinforcing, thus it wouldn't be expected to have spalling or cracking that would allow oxygen to reach the void areas. Though water collecting in voids may initially have a neutral pH, after exposure to the cement-rich concrete for a short period of time the water will become highly alkaline as the free lime in the concrete is leached out into the water. Thus, the voids, even if filled with water, will not affect the long-term durability of the shotcrete section.

Structural impact of voids

The Engineer of Record, Parson Brinkerhoff (PB), has conducted a sensitivity analysis that shows from 66% reserve capacity at the crown of the tunnel, 60% at splices, and 20% at the shoulders. Having analyzed, designed and built hundreds of concrete domes, it is clear the arch shape is a very robust structure, and that most of the vertical loads on an arch are conducted by axial forces down to the base of arch. The crown of an arch is the lowest stressed section, and that is confirmed by the PB analysis. Thus, the large, long void at the top is in the lowest stressed portion of the tunnel. This void was reportedly 3" in diameter in an 18" thick section that actually may have been 3" to 6" thicker than designed. Lap lengths to develop the full strength of the bars is 79" per the design. Concrete design compressive strength at 28-days was 5,000 psi, but reportedly the test strengths were higher. Thus, we have lost 3" out of the 18", but have higher compressive strength, and likely a total thickness exceeding the design 18", and have less than half the design maximum load. All these factors taken together show that the large void will not impact the structural integrity of the crown section.

Considering, the smaller voids that were found on the side walls, these were reportedly small and localized, and though they may have reduced encasement around a portion of the bar, this was only over a short length, and per the PB analysis still had a 20% reserve capacity. Thus, these voids will also not materially reduce the structural integrity of the shotcrete sections.

Long term durability of the shotcrete sections

The long-term durability will not be affected by either the small voids, or the larger void found at the crown since they are embedded deep in the section. The shotcrete material has a significant amount of both slag and silica fume. Both of these supplemental cementitious materials will reduce the permeability of the shotcrete and in turn reduce the advance of carbonation from exposure to the atmosphere. As discussed above, even if the voids eventually fill with groundwater, this will not increase the potential for corrosion. Finally, in excavating the inspection areas the cover over the reinforcing bars was found to exceed the design requirements. This means that the long-term advance of carbonation will have more material to deteriorate before exposing the reinforcing steel, so the section should have better durability.

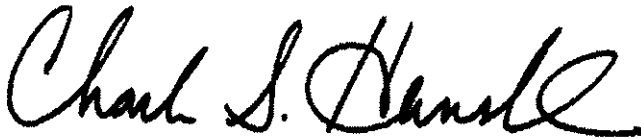
Summary

In summary, though the voids uncovered in this investigation are not representative of excellent shotcrete placement, they are understandable given the heavily reinforced sections being shot, and the difficulty of shooting overhead. Since the tunnel arch is a very robust shape, and has significant excess reinforcement capacity the impact of the voids does not reduce the structural integrity of the tunnel lining. Since the shotcrete material is strong, cement-rich, and with SCM's that reduce the shotcrete permeability, the durability of the

exposed surfaces should be equal or better than equivalent cast-in-place concrete. Finally, the additional cover over the design minimums should also help provide enhanced long-term durability against carbonation.

In the interest of time, I have kept this report short and to the point. If you need any further consideration or explanation of my findings, please contact me.

Regards,

A handwritten signature in black ink, reading "Charles S. Hanskat". The signature is fluid and cursive, with the first name "Charles" being the most prominent.

Charles Hanskat, PE
Hanskat Consulting Group, LLC
New York Professional Engineer License #086217-1

EXHIBIT 20

Anthony Tavormina

From: Stephen Apruzzese <sapruzzese@yonkerscontractingco.com>
Sent: Wednesday, February 15, 2012 8:36 AM
To: Robert Stepien
Subject: FW: Billing issues

Follow Up Flag: Follow up
Flag Status: Completed

This is now in your court.

-Steve

Stephen Apruzzese
7 Line Extension ~ Site J Project
Cell 914-403-0144
Office 212-239-7074
Fax 212-239-7103

From: Ron Federico [mailto:Ron.Federico@shotcrete.com]
Sent: Wednesday, February 15, 2012 8:19 AM
To: Stephen Apruzzese
Subject: RE: Billing issues

Steve,

I disagree with you. SG has not been billing slowly. If you just sent November last week, how is that SG's issue? That bill was due long ago.

YCC is more than a month behind, always. You have never had a bill handed to you more than 2 weeks after the month end.

Rob told me this am that Dec was mailed on 2/9/12, is that correct? I gave you Novembers bill in December, and Decembers bill in January. I expected Novembers payment last month and Decembers payment this month.

Let's stop the work and get these issues worked out. I have over \$1million in submitted extra work since June of 2011, so telling me we are slow does not quite digest properly.

Respectfully Submitted,
SUPERIOR GUNITE COMPANY

Ron R. Federico
Executive VP, Operations US

From: Stephen Apruzzese [sapruzzese@yonkerscontractingco.com]
Sent: Wednesday, February 15, 2012 5:10 AM
To: Ron Federico
Subject: RE: Billing issues

Ron,

November was sent out last week. Your end has been a little slow as the last time we sat, you handed me December, which is being processed this closing. I still don't have January's req on hand...

From the time frame, it does seem that our end is about a week behind on cutting checks, but I have a feeling that's tied in to when I actually get to enter it into our system. I am estimating your monthly costs into accruals so it's not a surprise to our main office when I hand them in the req's a month late, but things are being entered late either way.

-Steve

Stephen Apruzzese
7 Line Extension -- Site J Project
Cell 914-403-0144
Office 212-239-7074
Fax 212-239-7103

From: Ron Federico [mailto:Ron.Federico@shotcrete.com]
Sent: Wednesday, February 15, 2012 7:57 AM
To: Stephen Apruzzese
Cc: Kalo Franklin; nick.hacopian@sprint.blackberry.net
Subject: RE: Billing issues

Hi Steve,

The payments are a little slow, however, I need to see if its on our end. Rob said December was sent on 2/9/12. Empire was looking for November I believe, so I have to see what's going on. I cannot believe we would not have paid for November?

Connie, what is the current status with Empire RM payments? Where are the Nov/Dec/Jan payments in the line of checks?

Respectfully Submitted,
SUPERIOR GUNITE COMPANY

Ron R. Federico
Executive VP, Operations US

From: Stephen Apruzzese [mailto:sapruzzese@yonkerscontractingco.com]
Sent: Wednesday, February 15, 2012 4:54 AM
To: Ron Federico
Subject: Billing issues

Ron,

I hear that there are some billing issues that are holding up production. Can you please give me a call so I can understand what's going on.

-Steve

Stephen Apruzzese
7 Line Extension — Site J Project
Cell 914-403-0144
Office 212-239-7074
Fax 212-239-7103

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EXHIBIT 21

Anthony Tavormina

From: Stacy Federico <Stacy.Federico@shotcrete.com>
Sent: Friday, March 9, 2012 1:25 PM
To: 'Stephen Apruzzese'
Cc: Ron Federico
Subject: RE: February Paperowkr

Follow Up Flag: Follow up
Flag Status: Completed

Steve,
Glad you received the packet. I forwarded your message to Ron. He should have it completed by end of business today. You should receive it Monday.
Have a nice weekend.

Thank you,



Stacy Federico

SUPERIOR GUNITE/ JOHNSON WESTERN GUNITE

12306 Van Nuys Boulevard
Lakeview Terrace, CA 91342
P 818-896-9199 EXT. 244
F 818-834-4039
stacy.federico@shotcrete.com



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From: Stephen Apruzzese [mailto:sapruzzese@yonkerscontractingco.com]
Sent: Friday, March 09, 2012 9:34 AM
To: Stacy Federico
Subject: RE: February Paperowkr

I got it Stacy, thank you so much. Can you please give Ron a heads up about the Req for February. I don't think that was sent out as of yet.

Have a great weekend,

-Steve

Stephen Apruzzese
7 Line Extension -- Site J Project
Cell 914-403-0144
Office 212-239-7074
Fax 212-239-7103

From: Stacy Federico [mailto:Stacy.Federico@shotcrete.com]
Sent: Friday, March 09, 2012 12:32 PM
To: Stephen Apruzzese
Subject: RE: February Paperowkr

Hi Steve,
The package went out overnight on Wednesday. I have been out of the office. Let me know if you did not receive it.

Thank you,



Stacy Federico

SUPERIOR GUNITE/ JOHNSON WESTERN GUNITE

12306 Van Nuys Boulevard
Lakeview Terrace, CA 91342
P 818-896-9199 EXT. 244
F 818-834-4039
stacy.federico@shotcrete.com



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From: Stephen Apruzzese [mailto:sapruzzese@yonkerscontractingco.com]
Sent: Wednesday, March 07, 2012 10:02 AM
To: Stacy Federico
Subject: February Paperowkr

Stacy,

I just wanted to check on a status for February's affidavits and other paperwork.

Please get back to me when you can,

-Steve

Stephen Apruzzese
7 Line Extension – Site J Project
Cell 914-403-0144
Office 212-239-7074
Fax 212-239-7103

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Anthony Tavormina

From: Ron Federico <Ron.Federico@shotcrete.com>
Sent: Monday, May 14, 2012 11:20 AM
To: Stephen Apruzzese
Subject: RE: monthly req

Follow Up Flag: Follow up
Flag Status: Completed

Hi Steve, I will get it out today.

Respectfully Submitted,
SUPERIOR GUNITE COMPANY

Ron R. Federico
Executive VP, Operations US

From: Stephen Apruzzese [sapruzzese@yonkerscontractingco.com]
Sent: Thursday, May 10, 2012 7:53 AM
To: Ron Federico
Subject: monthly req

Ron,

I'm still trying to get my hands on the req for April.

Any chance on getting a copy?

-Steve

Stephen Apruzzese
7 Line Extension – Site J Project
Cell 914-403-0144
Office 212-239-7074
Fax 212-239-7103

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Anthony Tavormina

From: Stephen Apruzzese <sapruzzese@yonkerscontractingco.com>
Sent: Wednesday, June 13, 2012 6:07 PM
To: Ron Federico
Cc: David Bowers; Robert Stepien
Subject: RE: payment Affidavits

Follow Up Flag: Follow up
Flag Status: Completed

Thanks Ron.

Dave, do you have an update on this for me? The MTA was asking for these papers since Monday and I have been trying to get a follow up since. Can you let me know if I will be seeing these tomorrow?

Thanks,

-Steve

From: Ron Federico
Sent: 6/13/2012 5:59 PM
To: Stephen Apruzzese
Cc: David Bowers
Subject: RE: payment Affidavits

I gave it to Dave Bowers directly. His email is attached. Whatever he can agree to will be ok with me.

Respectfully Submitted,
SUPERIOR GUNITE COMPANY

Ron R. Federico
Executive VP, Operations US
818/391-4917 cell
818/896-6699 fax

From: Stephen Apruzzese [mailto:sapruzzese@yonkerscontractingco.com]
Sent: Wednesday, June 13, 2012 2:03 PM
To: Ron Federico; Robert Stepien
Subject: RE: payment Affidavits

Ron,

Do you have an update for me?

-Steve

From: Ron Federico
Sent: 6/12/2012 12:42 PM

To: Robert Stepien; Kalo Franklin
Cc: Stephen Apruzzese; Ali Pirbhoy
Subject: RE: payment Affidavits

Hi Rob,

Ali will be looking into that.

Respectfully Submitted,
SUPERIOR GUNITE COMPANY

Ron R. Federico
Executive VP, Operations US
818/391-4917 cell
818/896-6699 fax

From: Robert Stepien [mailto:rstepien@yonkerscontractingco.com]
Sent: Tuesday, June 12, 2012 8:08 AM
To: Kalo Franklin
Cc: Ron Federico; Stephen Apruzzese
Subject: payment Affidavits

Kalo – We need May's payment affidavits asap for Site J. Pls. forward.
Rob

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Anthony Tavormina

From: Stephen Apruzzese <sapuzzese@yonkerscontractingco.com>
Sent: Wednesday, August 22, 2012 10:43 AM
To: Ron Federico; Ali Pirbhoy
Subject: RE: SITE J - JULY BILLING

Follow Up Flag: Follow up
Flag Status: Completed

Thank you. I'll look forward to seeing your August req around the 2nd week of September.

-Steve

Stephen Apruzzese
7 Line Extension -- Site J Project
Cell 914-403-0144
Office 212-239-7074
Fax 212-239-7103

From: Ron Federico [mailto:Ron.Federico@shotcrete.com]
Sent: Wednesday, August 22, 2012 10:40 AM
To: Stephen Apruzzese; Ali Pirbhoy
Subject: RE: SITE J - JULY BILLING

Steve, you are good, no changes.

From: Stephen Apruzzese [mailto:sapuzzese@yonkerscontractingco.com]
Sent: Tuesday, August 21, 2012 1:08 PM
To: Ali Pirbhoy
Cc: Ron Federico
Subject: RE: SITE J - JULY BILLING

You guys got me worried. Billing had closed on Monday and if your invoice was for MORE than what you had submitted, that delta would have been pushed back a month.

If there's any way, could you guys get me your monthly req before the end of the 2nd week of the month (no later than the 14th). It would just help a lot for instances that might come up.

-Steve

Stephen Apruzzese
7 Line Extension -- Site J Project
Cell 914-403-0144
Office 212-239-7074
Fax 212-239-7103

From: Ali Pirbhoy [mailto:Ali.Pirbhoy@shotcrete.com]
Sent: Tuesday, August 21, 2012 12:53 PM
To: Stephen Apruzzese

Cc: Ron Federico
Subject: RE: SITE J - JULY BILLING

Mr. Apruzzese,

Verified with Ron, the billing we e-mailed you previously is correct.

Have a wonderful day, sir!

Ali

From: Stephen Apruzzese [<mailto:sapuzzese@yonkerscontractingco.com>]
Sent: Tuesday, August 21, 2012 2:54 AM
To: Ron Federico; Ali Pirbhoy
Subject: RE: SITE J - JULY BILLING

Ron,

Are you referring to the July billing? If so, I need to see what was supposed to be invoiced as opposed to what I received.

-Steve

Stephen Apruzzese
7 Line Extension – Site J Project
Cell 914-403-0144
Office 212-239-7074
Fax 212-239-7103

From: Ron Federico
Sent: 8/21/2012 5:49 AM
To: Ali Pirbhoy; Stephen Apruzzese; Robert Stepien
Cc: David Bowers; Kalo Franklin
Subject: RE: SITE J - JULY BILLING

Ali,

This bill was already sent. This is not the billing I gave Dave. Where is the bill I approved and gave to Dave?

-----Original Message-----

From: Ali Pirbhoy
Sent: Tuesday, August 14, 2012 3:18 PM
To: sapuzzese@yonkerscontractingco.com; Robert Stepien (rstepien@yonkerscontractingco.com)
Cc: Ron Federico; David Bowers; Kalo Franklin
Subject: SITE J - JULY BILLING

Dear Steve & Rob,

Please see attached our July billing for processing.

As always, thanks for all your hard work and efforts in getting us paid on this project. We sincerely appreciate it very much.

We all at,
Superior Gunite

-----Original Message-----

From: toshiba@shotcrete.com [<mailto:toshiba@shotcrete.com>]

Sent: Tuesday, August 14, 2012 11:54 AM
To: Ali Pirbhoy
Subject: Scanned from 451c 08/14/2012 10:54

Scanned from 451c.
Date: 08/14/2012 10:54
Pages:8
Resolution:200x200 DPI

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Anthony Tavormina

From: Ali Pirbhoy <Ali.Pirbhoy@shotcrete.com>
Sent: Friday, September 14, 2012 1:24 PM
To: 'Stephen Apruzzese'
Subject: RE: SITE J - AUG BILLING

Follow Up Flag: Follow up
Flag Status: Completed

Sorry, we have not mailed the original billing to you yet, we will do so today.

Thanks again, sir.

From: Stephen Apruzzese [mailto:sapruzzese@yonkerscontractingco.com]
Sent: Friday, September 14, 2012 10:21 AM
To: Ali Pirbhoy
Subject: RE: SITE J - JULY BILLING

No this was all about the August billing. Ron had said that he mailed august out to me last week when I don't have any record of such (and in my position that is important). I just wanted verification on my facts that's all.

Have a great weekend.

-Steve

Stephen Apruzzese
7 Line Extension – Site J Project
Cell 914-403-0144
Office 212-239-7074
Fax 212-239-7103

From: Ali Pirbhoy [mailto:Ali.Pirbhoy@shotcrete.com]
Sent: Friday, September 14, 2012 1:19 PM
To: Stephen Apruzzese
Subject: RE: SITE J - JULY BILLING

Sorry, this is the August billing. July was already submitted much earlier. Did you want us to send it to you once more, my friend.

Please kindly let me know.

From: Stephen Apruzzese [mailto:sapruzzese@yonkerscontractingco.com]
Sent: Friday, September 14, 2012 10:16 AM
To: Ali Pirbhoy
Subject: RE: SITE J - JULY BILLING

Ali,

Can you please verify for me. Rob said that he had mailed it out to me last week. But I have no record of this. Can you verify that this is the first time I am receiving this document please.

Thanks in advance,

-Steve

Stephen Apruzzese
7 Line Extension -- Site J Project
Cell 914-403-0144
Office 212-239-7074
Fax 212-239-7103

From: Ali Pirbhoy [<mailto:Ali.Pirbhoy@shotcrete.com>]
Sent: Friday, September 14, 2012 1:14 PM
To: Stephen Apruzzese
Cc: Ron Federico
Subject: RE: SITE J - JULY BILLING

Hi Steve,

Here you go, sir.

Have a fantabulous weekend.

Superior Gunitite Team

From: Stephen Apruzzese [<mailto:sapuzzese@yonkerscontractingco.com>]
Sent: Friday, September 14, 2012 5:19 AM
To: Ron Federico; Ali Pirbhoy
Subject: RE: SITE J - JULY BILLING

Ron,

Please make sure that I get your August req no later than today. I really do need to try to get this from you earlier than this "latest day".

Please get back to me asap,

-Steve

Stephen Apruzzese
7 Line Extension -- Site J Project
Cell 914-403-0144
Office 212-239-7074
Fax 212-239-7103

From: Ron Federico [<mailto:Ron.Federico@shotcrete.com>]
Sent: Wednesday, August 22, 2012 10:40 AM
To: Stephen Apruzzese; Ali Pirbhoy
Subject: RE: SITE J - JULY BILLING

Steve, you are good, no changes.

From: Stephen Apruzzese [<mailto:sapruzzese@yonkerscontractingco.com>]
Sent: Tuesday, August 21, 2012 1:08 PM
To: Ali Pirbhoy
Cc: Ron Federico
Subject: RE: SITE J - JULY BILLING

You guys got me worried. Billing had closed on Monday and if your invoice was for MORE than what you had submitted, that delta would have been pushed back a month.

If there's any way, could you guys get me your monthly req before the end of the 2nd week of the month (no later than the 14th). It would just help a lot for instances that might come up.

-Steve

Stephen Apruzzese
7 Line Extension – Site J Project
Cell 914-403-0144
Office 212-239-7074
Fax 212-239-7103

From: Ali Pirbhoy [<mailto:Ali.Pirbhoy@shotcrete.com>]
Sent: Tuesday, August 21, 2012 12:53 PM
To: Stephen Apruzzese
Cc: Ron Federico
Subject: RE: SITE J - JULY BILLING

Mr. Apruzzese,

Verified with Ron, the billing we e-mailed you previously is correct.

Have a wonderful day, sir!

Ali

From: Stephen Apruzzese [<mailto:sapruzzese@yonkerscontractingco.com>]
Sent: Tuesday, August 21, 2012 2:54 AM
To: Ron Federico; Ali Pirbhoy
Subject: RE: SITE J - JULY BILLING

Ron,

Are you referring to the July billing? If so, I need to see what was supposed to be invoiced as opposed to what I received.

-Steve

Stephen Apruzzese
7 Line Extension – Site J Project
Cell 914-403-0144
Office 212-239-7074
Fax 212-239-7103

From: Ron Federico
Sent: 8/21/2012 5:49 AM
To: Ali Pirbhoy; Stephen Apruzzese; Robert Stepien
Cc: David Bowers; Kalo Franklin
Subject: RE: SITE J - JULY BILLING

Ali,

This bill was already sent. This is not the billing I gave Dave. Where is the bill I approved and gave to Dave?

-----Original Message-----

From: Ali Pirbhoy
Sent: Tuesday, August 14, 2012 3:18 PM
To: sapruzzese@yonkerscontractingco.com; Robert Stepien (rstepien@yonkerscontractingco.com)
Cc: Ron Federico; David Bowers; Kalo Franklin
Subject: SITE J - JULY BILLING

Dear Steve & Rob,

Please see attached our July billing for processing.

As always, thanks for all your hard work and efforts in getting us paid on this project. We sincerely appreciate it very much.

We all at,
Superior Gunite

-----Original Message-----

From: toshiba@shotcrete.com [mailto:toshiba@shotcrete.com]
Sent: Tuesday, August 14, 2012 11:54 AM
To: Ali Pirbhoy
Subject: Scanned from 451c 08/14/2012 10:54

Scanned from 451c.
Date: 08/14/2012 10:54
Pages:8
Resolution:200x200 DPI

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EXHIBIT 22

Anthony Tavormina

From: Ron Federico <Ron.Federico@shotcrete.com>
Sent: Friday, May 18, 2012 4:41 PM
To: 'Stephen Apruzzese'
Subject: RE: APR12.xlsx

Follow Up Flag: Follow up
Flag Status: Completed

I am not sure what you are talking about? The sand walls should be a small difference. It was the Over-break quantity that was off.

Just do what you need to do. It really does not matter, there is so much extra work that it is overshadowing everything.

Respectfully Submitted,
SUPERIOR GUNITE COMPANY

Ron R. Federico
Executive VP, Operations US
818/391-4917 cell
818/896-6699 fax

From: Stephen Apruzzese [mailto:sapruzzese@yonkerscontractingco.com]
Sent: Friday, May 18, 2012 3:37 PM
To: Ron Federico
Subject: RE: APR12.xlsx

I'm just questioning the current period on contract work. Our system closes today for billing on contract billing and I want to make sure that you at least. I'll adjust the post I made and revert the payment to reflect the extra sand wall item. I know you guys were doing work here and there in that area.

We'll talk either way later.

-Steve

Stephen Apruzzese
7 Line Extension – Site J Project
Cell 914-403-0144
Office 212-239-7074
Fax 212-239-7103

From: Ron Federico [mailto:Ron.Federico@shotcrete.com]
Sent: Friday, May 18, 2012 3:35 PM
To: Stephen Apruzzese
Subject: RE: APR12.xlsx

I will bring everything to go over with you probably on Monday if you are available.

Respectfully Submitted,
SUPERIOR GUNITE COMPANY

Ron R. Federico
Executive VP, Operations US
818/391-4917 cell
818/896-6699 fax

From: Stephen Apruzzese [<mailto:sapuzzese@yonkerscontractingco.com>]
Sent: Friday, May 18, 2012 3:29 PM
To: Ron Federico
Subject: RE: APR12.xlsx

Ron,

You had also added \$4,650 to the sand wall item but didn't mention it in the email. Is this correct?

-Steve

Stephen Apruzzese
7 Line Extension -- Site J Project
Cell 914-403-0144
Office 212-239-7074
Fax 212-239-7103

From: Ron Federico [<mailto:Ron.Federico@shotcrete.com>]
Sent: Friday, May 18, 2012 2:03 PM
To: Stephen Apruzzese
Cc: Rstepian@yonkerscontracting.com; Andrew Chenault
Subject: APR12.xlsx

We had a typo on the COR 10 Overbreak amount. Attached is the April Billing. There was only 3 cys of OB in April and very little structural work. All work was in the E1 / E2 build out. This should be done. I have shown a \$970K +/- credit against all extra work and overbreak.

I am available next week. We need to meet on Monday to talk about schedule and money. We need to get this geared back up. I have all kinds of people available. If we are going to go this slow, then I need to send Angels crew back to LA.

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Anthony Tavormina

From: Jim Strobel <jstrobel@yonkerscontractingco.com>
Sent: Monday, September 24, 2012 4:12 PM
To: Andrew Chenault
Cc: Robert Stepien
Subject: Re: SITE J - AUG BILLING

Follow Up Flag: Follow up
Flag Status: Completed

Let's review this together tomorrow morning.

Jim

On Sep 24, 2012, at 4:08 PM, "Andrew Chenault" <achenault@yonkerscontractingco.com> wrote:

SG has ALL walls under Street Level. They do not have columns. It is so simple. I cannot understand how Ron Federico CONTINUES to mix this up. Basically, he is calling me a liar. These colored drawings are almost 2 years old.

From: Jim Strobel
Sent: Monday, September 24, 2012 2:32 PM
To: Robert Stepien
Cc: Andrew Chenault
Subject: Fwd: SITE J - AUG BILLING

Rob,

Please review this and provide comments. All correspondence regarding SG should only come from you. Please review issues with Andrew prior to responding.

Jim

Begin forwarded message:

From: Ron Federico <Ron.Federico@shotcrete.com>
Date: September 24, 2012 2:14:26 PM EDT
To: 'Stephen Apruzzese' <sapruzzese@yonkerscontractingco.com>, 'Robert Stepien' <rstepien@yonkerscontractingco.com>, Jim Strobel <jstrobel@yonkerscontractingco.com>, 'Andrew Chenault' <achenault@yonkerscontractingco.com>
Cc: Armando Ramos <Armando.Ramos@shotcrete.com>, Frank Townsend <Frank.Townsend@shotcrete.com>, Nick Hacopian

<Nick.Hacopian@shotcrete.com>

Subject: RE: SITE J - AUG BILLING

Hi,

We will correct the T1 connector. We will submit a COR to address re-setting in this area as it has been delayed. Additionally there will be substantial overbreak there.

SG will provide a credit for the 8" shaft walls, based on the estimated quantities (approximately 220 cys). This will not include the walls that support the T1 slab excluded from our contract. All other 8" walls have been shot or credited. If YCC did 50 cys of 8", they were already credited for this. We will bill all 8" in August except the shaft.

I am not sure what 50 cys YCC did on the B2 level, however, SG does not have all the walls on B2. Andrew is aware of this and has the original take off in which some walls and columns were not in SG's contract on all levels.

We will correct our billing, NOT to reflect the August yardage, but to reflect all the walls complete thru August on the entire project. SG credited all 8" walls to date, other than the walls we shot as well as the shaft. Once we credit the 8" shaft walls, the item will be closed out.

-----Original Message-----

From: Andrew Chenault [<mailto:achenault@yonkerscontractingco.com>]

Sent: Tuesday, September 18, 2012 12:28 PM

To: Ron Federico

Cc: Armando Ramos

Subject: RE: SITE J - AUG BILLING

Ron,

Schedule of Values Line Item #3 (Shaft @ T1 Connector Arched Walls - 1.5'T / 3.0'T) is not complete and should not be paid in full. The overhead portions of the T1 Connector were not placed by SG in August.

Schedule of Values Line Item #9 (Concrete Walls - Inclined Tunnels, T1 Connector & Shaft - 0.67T) - 316 CY is too high this period. Full quantities / values will not materialize because YCC placed 50 CY of walls on the B2 level and 290 CY of 8" interior shaft walls.

Please call me with any questions.

Andrew Chenault
Project Engineer

Yonkers Contracting Company, Inc.
MTACC Contact C-26510

Number 7 (Flushing) Line Extension - Site J
511 West 33rd Street
New York, NY 10001
Tel: (212) 239-7074
Cel: (914) 403-1212

-----Original Message-----

From: Ron Federico [mailto:Ron.Federico@shotcrete.com]
Sent: Tuesday, September 18, 2012 2:08 PM
To: Stephen Apruzzese; Ali Pirbhoy
Cc: Robert Stepien; Andrew Chenault
Subject: RE: SITE J - AUG BILLING

SG has reviewed the billing and finds no errors in this bill. Please call me to discuss.

Respectfully Submitted,
SUPERIOR GUNITE COMPANY

Ron R. Federico
Executive VP, Operations US

From: Stephen Apruzzese [mailto:sapuzzese@yonkerscontractingco.com]
Sent: Tuesday, September 18, 2012 6:20 AM
To: Ali Pirbhoy; Ron Federico
Cc: Robert Stepien; Andrew Chenault
Subject: RE: SITE J - AUG BILLING

Ali/Ron,

This issue needs to be addressed ASAP. If you are looking into this, I would appreciate at least a response stating so as to not leave me in the dark.

Thanks,

-Steve

Stephen Apruzzese
7 Line Extension - Site J Project
Cell 914-403-0144
Office 212-239-7074
Fax 212-239-7103

From: Stephen Apruzzese

Sent: Monday, September 17, 2012 9:44 AM
To: 'Ali Pirbhoy'; 'Ron Federico'
Cc: Robert Stepien; Andrew Chenault
Subject: RE: SITE J - AUG BILLING

Ali/Ron,

After reviewing tickets and associated line items for each day's work, I have attached a summary sheet of Superior Gunite's work in the month of August.

Please review this and get back to me ASAP. I am finding a delta of over \$350,000 in claimed work.

The summary sheet does not include the cost for Backforming - Hi Rib expanded metal panels. It is purely concrete.

Again, getting back to me as soon as you receive and review this is VERY important.

-Steve

Stephen Apruzzese
7 Line Extension - Site J Project
Cell 914-403-0144
Office 212-239-7074
Fax 212-239-7103

From: Ali Pirbhoy [<mailto:Ali.Pirbhoy@shotcrete.com>]
Sent: Friday, September 14, 2012 3:36 PM
To: Stephen Apruzzese
Subject: RE: SITE J - AUG BILLING

Thank you, sir. We will look into it too.

From: Stephen Apruzzese [<mailto:sapruzzese@yonkerscontractingco.com>]
Sent: Friday, September 14, 2012 12:33 PM
To: Ali Pirbhoy
Subject: RE: SITE J - AUG BILLING

Ali,

After going over the August Req, I am finding some line items not matching up to what they should be, which is resulting in a bit higher \$ than calculated. I am going to work up a summary sheet to compare and get back to you. I just wanted to give you a heads up on this.

-Steve

Stephen Apruzzese
7 Line Extension - Site J Project
Cell 914-403-0144

EXHIBIT 1

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----x

SUPERIOR GUNITE,

Plaintiff,

vs.

Index No.

54272/13

YONKERS CONTRACTING COMPANY
INC. and ZURICH AMERICAN
INSURANCE COMPANY,

Defendants.

-----x

Deposition of ROBERT STEPIEN, held
at the offices of Lewis & McKenna, 82
East Allendale Road, Saddle River, New
Jersey, pursuant to notice, commencing
January 10, 2014 at 10:15 a.m., on the
above date, before Jennifer
Ocampo-Guzman, a Certified Real-Time
Shorthand Reporter and Notary Public of
the State of New Jersey.

JOB NO. 138234

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1 Stepien

2 A. Correct.

3 MR. CANIZIO: Can you mark this,
4 please, as Plaintiff's Exhibit 3.

5 (Plaintiff's Exhibit 3, Amendment
6 to the subcontract, marked for
7 identification, this date.)

8 Q. Take a look at that document, and
9 let me know when you've had a chance to
10 review that.

11 Can you tell me what Exhibit 3 is?

12 A. It's an amendment to Superior
13 Gunite's subcontract.

14 Q. Did you have any involvement in the
15 preparation or negotiation of that amendment?

16 A. Yes.

17 Q. And what was your involvement?

18 A. I compiled Superior Gunite's change
19 order requests and sat down with Ron Federico
20 to negotiate this.

21 Q. Is it fair to say that up until the
22 time that these amendments were negotiated,
23 there had been a number of change order
24 proposals that were submitted by Superior
25 Gunite?

EXHIBIT 2

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----x

SUPERIOR GUNITE,

Plaintiff,

vs.

Index No.

54272/13

YONKERS CONTRACTING COMPANY
INC. and ZURICH AMERICAN
INSURANCE COMPANY,

Defendants.

-----x

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1 Stepien

2 Q. Can you tell me what Yonkers
3 Contracting's position is generally with
4 respect to the CORs that are in that section
5 of the page of Exhibit 6?

6 A. Well, COR 12.1 through 16.01, we're
7 in agreement, we're just missing backup.

8 Q. When you say Yonkers is in
9 agreement but is just missing backup, what
10 backup is Yonkers referring to?

11 A. Previously Superior, when they
12 handed us a change order request, it included
13 manpower, labor rates, equipment and then the
14 time spent by that manpower to perform that
15 extra work. I believe that change order
16 request 12, Superior changed their format of
17 their change order requests and didn't
18 include all of that information.

19 Q. So for the CORs that you just
20 referenced from CORs 12 to CORs 16.01, am I
21 correct in stating there is no disagreement
22 as to the fact that there is an extra
23 involved?

24 A. Correct.

25 Q. And any disagreement there may be

EXHIBIT 3

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X

SUPERIOR GUNITE,

Plaintiff,

vs.

Index No.

54272/13

YONKERS CONTRACTING COMPANY
INC. and ZURICH AMERICAN
INSURANCE COMPANY,

Defendants.

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1 Stepien

2 it not, by adding up the square footages at
3 the column in the center of the page that's
4 shaded, which total sand walls of 3,161 and a
5 quarter feet, square feet of sand wall,
6 correct?

7 A. I'm not familiar with this sheet,
8 so it appears that way, yes.

9 Q. Putting aside your familiarity with
10 the sheet, you didn't disagree with the
11 quantity of sand wall that's reflected in the
12 change, correct?

13 A. No. Again, all of these were
14 agreed to in principle, but we just didn't
15 have the backup that we were accustomed to.

16 Q. Okay. But beyond the area of sand
17 wall being shot and the price, those are
18 really the only two elements of the change
19 order requests, correct?

20 A. Correct, but I don't know at this
21 point if it was going to be per square foot
22 or cubic yard or on a T&M ticket. I don't
23 recall how this work was agreed to, because
24 that changed.

25 Q. Generally speaking, the basic

EXHIBIT 4

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X

SUPERIOR GUNITE,

Plaintiff,

vs.

Index No.

54272/13

YONKERS CONTRACTING COMPANY
INC. and ZURICH AMERICAN
INSURANCE COMPANY,

Defendants.

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1 Stepien
2 was acceptable to Yonkers. But then it
3 changed, and then there was no backup for a
4 while; and at one point it appears that
5 Superior Gunitite went back and, you know,
6 edited or revised the change order requests.

7 Q. To provide the current backup?

8 A. In an attempt to provide the
9 backup.

10 Q. Okay.

11 A. Again, we have no problem with
12 these change orders. Let's get the right
13 backup with them.

14 Q. Let's move on, then, in that same
15 section of Plaintiff's Exhibit 6, to change
16 order request 13.5, which reads, "Noncontract
17 work structural walls in E2 tunnel pit."

18 Do you see that?

19 A. Yes.

20 Q. And that's a change request for
21 \$66,030, correct?

22 A. Correct.

23 Q. And in the comment to the right of
24 that it's written, "E2 pit walls are excluded
25 from contract, however, SG's quantities

EXHIBIT 5

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X

SUPERIOR GUNITE,

Plaintiff,

vs.

Index No.

54272/13

YONKERS CONTRACTING COMPANY
INC. and ZURICH AMERICAN
INSURANCE COMPANY,

Defendants.

-----X

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1 Stepien

2 A. Correct, correct.

3 Q. Were there instances during the
4 course of the project where prior to
5 performing work on overtime or during the
6 week or on weekends, that Superior Gunite
7 requested approval in advance, of premium
8 time payment?

9 A. In most instances Superior Gunite
10 had to work premium time or overtime, because
11 they didn't have crews available, because
12 they were spread thin in the New York area.
13 And there was no supervision from Superior,
14 per se, after John Deversa left, and I was
15 dealing directly with the Ron, I was
16 scheduling to work through California with
17 Ron or Kayola Franklin, and they were
18 scheduling crews through California.

19 There are some instances when we
20 weren't ready for the work, and if Superior
21 Gunite showed up, we paid them for it.

22 Q. So you talked about previously in
23 your testimony, and you went over the
24 sequence of the work, correct?

25 A. Correct.

EXHIBIT 6

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----x

SUPERIOR GUNITE,

Plaintiff,

vs.

Index No.

54272/13

YONKERS CONTRACTING COMPANY
INC. and ZURICH AMERICAN
INSURANCE COMPANY,

Defendants.

-----x

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1 Stepien

2 A. Yes.

3 Q. Okay. The change order request
4 itself indicates the value or the cost of the
5 work performed, do you see that?

6 A. Yes.

7 Not performed, estimate.

8 Q. Estimate, okay.

9 A. Okay. And then that was -- I said
10 proceed with the work. Again, there was an
11 understanding, too, that, you know, this was
12 all going to be, you know, discussed with
13 Ron, too, because of what was, you know, what
14 was our fault for them having to work
15 Saturday and for Superior's fault for not
16 getting work done during the week because of
17 a lack of crews, so.

18 Q. It doesn't say that in --

19 A. Yeah, but that was an understanding
20 between Ron and, Yonkers and Superior Gunite.

21 Q. But in terms of, in terms of
22 Exhibit 13, you just authorized the work to
23 proceed, correct?

24 A. Yes, on the page, that's what it
25 says.

EXHIBIT 7

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X

SUPERIOR GUNITE,

Plaintiff,

vs. Index No.
 54272/13

YONKERS CONTRACTING COMPANY
INC. and ZURICH AMERICAN
INSURANCE COMPANY,

Defendants.

-----X

Deposition of ROBERT STEPIEN, held at the offices of Lewis & McKenna, 82 East Allendale Road, Saddle River, New Jersey, pursuant to notice, commencing January 10, 2014 at 10:15 a.m., on the above date, before Jennifer Ocampo-Guzman, a Certified Real-Time Shorthand Reporter and Notary Public of the State of New Jersey.

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1 Stepien

2 this is too high, this is too low?

3 A. We reviewed it, and we kept track
4 of these to be discussed at a later date.

5 Q. Why would you keep track of them to
6 be discussed at a later date?

7 A. Because we don't issue change
8 orders for every -- we don't issue amendments
9 for every change order request we get from a
10 subcontractor.

11 Q. Why not?

12 A. We usually, you know, we do it in a
13 span of time.

14 Q. So you would aggregate the change
15 order requests over a period of time and then
16 address them in bulk at some later point in
17 time?

18 A. Yeah.

19 Q. And how long, over how long a span
20 of time, let's say with respect to Superior
21 Gunite, were you aggregating change order
22 requests?

23 A. I believe you could use amendment 1
24 and amendment 2 as guidelines, the way those
25 were paid. That was a number of change

EXHIBIT 8

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----x

SUPERIOR GUNITE,

Plaintiff,

vs.

Index No.

54272/13

YONKERS CONTRACTING COMPANY
INC. and ZURICH AMERICAN
INSURANCE COMPANY,

Defendants.

-----x

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1 Stepien

2 A. Yes.

3 Q. Now, in this case -- and is that
4 notification in writing, usually?

5 A. Not necessarily. There was
6 meetings with, with Ron or Nick or Armando.

7 Q. Now, in this section here you have
8 a number of different back charges. I want
9 to skip to the third one indicated in the
10 spreadsheet is "total Shotcrete cleanup,
11 labor and materials, \$606,162."

12 Do you see that?

13 A. Yes.

14 Q. Who prepared that claim?

15 A. There was a cost code set up for
16 Yonkers' labor, and time sheets were coded
17 for that. We notified Superior many, many
18 times that the rebound was not being cleaned
19 up and placed in neat piles, as per
20 subcontract.

21 Q. So what was Superior Gunite's
22 obligation under the subcontract or
23 responsibility under the subcontract, as you
24 understand it, for cleanup of this kind, and
25 what was Yonkers' responsibility?

EXHIBIT 9

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X

SUPERIOR GUNITE,

Plaintiff,

vs.

Index No.

54272/13

YONKERS CONTRACTING COMPANY
INC. and ZURICH AMERICAN
INSURANCE COMPANY,

Defendants.

-----X

Deposition of JAMES STROBEL, held
at the offices of Lewis & McKenna, 82
East Allendale Road, Saddle River, New
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January 13, 2014 at 1:24 p.m., on the
above date, before Jennifer
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the State of New Jersey.

JOB NO. 138252-B

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1 Strobel

2 bottom of page 8 is where I was reading from,
3 parts of the last two sentences.

4 A. Yes.

5 Q. Now, I'm correct in stating these
6 are the same requests --

7 MR. CANIZIO: Withdrawn.

8 Q. I'm correct in stating, on the one
9 hand, you've requested and been paid by the
10 MTA to accelerate the work and work on
11 weekends, correct?

12 A. Yes, that's different than this.
13 You're putting it in two different
14 categories. This is, Superior had an
15 obligation to complete the work in accordance
16 with our scheduled durations, but because he
17 could not get certified nozzle men and
18 certified finishers to do the work, he didn't
19 have enough available men with the amount of
20 work he had going the city, he had to work
21 overtime to make up the delays he was causing
22 by not properly manning the job. Those do
23 categories do not fall in any of our extra
24 work claims to the MTA.

25 Q. Well, which one of the requests for

EXHIBIT 10

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----x

SUPERIOR GUNITE,

Plaintiff,

vs.

Index No.

54272/13

YONKERS CONTRACTING COMPANY
INC. and ZURICH AMERICAN
INSURANCE COMPANY,

Defendants.

-----x

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1 Strobel

2 premium time that Superior Gunite made did
3 fall within that category of monies you
4 requested and were paid from the MTA?

5 A. I would have to go back and look
6 through the records to determine that.

7 Q. Do you believe there were change
8 order requests that fell into that category?

9 A. There may have been.

10 Q. There are also, in preceding a
11 number of these requests, Superior Gunite
12 sent an e-mail to Rob Stepien with the change
13 order request, asked permission whether they
14 would authorize that change order and receive
15 an e-mail back authorizing the work.

16 Yet you still have them listed as
17 rejected changes. Why is that?

18 A. You would have to check with the
19 people that were involved in that. I'm sure
20 there were good reasons, because they're
21 outlined in this letter, as I just said.
22 They didn't properly man the job. They
23 didn't sufficient crews there to do the work.
24 They didn't have a full-time superintendent
25 on the job. The management was very poor.

EXHIBIT 11

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X

SUPERIOR GUNITE,

Plaintiff,

vs.

Index No.

54272/13

YONKERS CONTRACTING COMPANY
INC. and ZURICH AMERICAN
INSURANCE COMPANY,

Defendants.

-----X

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EXHIBIT 12

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----x

SUPERIOR GUNITE,

Plaintiff,

vs.

Index No.

54272/13

YONKERS CONTRACTING COMPANY
INC. and ZURICH AMERICAN
INSURANCE COMPANY,

Defendants.

-----x

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1 Strobel

2 pours were scheduled, at least for the two
3 that I've shown?

4 A. Again, I don't recall the exact
5 specifics, but I can tell you this, that we
6 had a great difficulty getting Superior to
7 come to do the work when it was ready. When
8 they were ready, the fact that they didn't
9 have a full-time superintendent on the
10 project was really a problem. We didn't have
11 somebody there to talk to every day. You
12 know, it was always write an e-mail. And
13 it's like, you know, that's not the way we
14 work. Subs are here. You need to be part of
15 the job. You need to attend the morning
16 meetings and weekly meetings and have a
17 superintendent on the job. They were
18 transferring that responsibility of what a
19 superintendent would do to our field
20 superintendents to coordinate their work and
21 call the concrete plant and call Kalo out in
22 California to schedule men and check and see
23 if they're busy on the projects that they're
24 doing on projects at East Side access, and
25 that just wasn't right.

EXHIBIT 13

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----x

SUPERIOR GUNITE,

Plaintiff,

vs.

Index No.

54272/13

YONKERS CONTRACTING COMPANY
INC. and ZURICH AMERICAN
INSURANCE COMPANY,

Defendants.

-----x

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1 Strobel

2 Q. And as I said, you don't know
3 whether or not that work was actually ready
4 to be performed at an earlier date --

5 A. What I do know --

6 Q. -- sitting here today?

7 A. -- from reading these e-mails and
8 reading the letters that we prepared was that
9 Superior did not properly man the job at an
10 earlier date, so they didn't finish their
11 work. If they would have properly manned
12 their job, they may not have had to work the
13 Saturdays.

14 Q. So in response to this request for
15 a change order for working on July 21st, or
16 on July -- 21, on July 21st, why doesn't Mr.
17 Stepien write back, Mr. Stepien write back,
18 you're not entitled to a change order, you
19 delayed the job, I'm not paying you premium
20 time?

21 A. Because it was important that
22 Superior work. So that's why his response
23 was "proceed with the work." He's not going
24 to get into an e-mail battle with him,
25 because in the context of the job, they were

1 Strobel
2 talking about this every day, on the phone
3 with Superior. Listen, you don't have enough
4 men here to build this job. We're not going
5 to be writing letters back and forth. You
6 need to work Saturdays. You need to do the
7 right thing and live up to your contractual
8 obligations. It's not our problem that you
9 have too much work going on at East Side
10 access, and you don't have enough certified
11 nozzle men or finish men to send to our work.

12 If he had a superintendent on the
13 job full time that could manage his work, I
14 think lot of lot of these problems would have
15 been avoided.

16 Q. But none of that is stated in any
17 of his e-mail responses. Instead, he
18 responds, "proceed with the work"?

19 A. It was stated almost on a daily
20 basis in communications with Superior's field
21 forces that were on there. We don't get into
22 habits of just writing e-mails back and
23 forth. We communicate with ourselves face to
24 face every day.

25 Q. I would like you to take a look at

EXHIBIT 14

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----x

SUPERIOR GUNITE,

Plaintiff,

vs.

Index No.

54272/13

YONKERS CONTRACTING COMPANY
INC. and ZURICH AMERICAN
INSURANCE COMPANY,

Defendants.

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1 Strobel

2 from Rob Stepien in which he requests a
3 credit for the deletion of certain walls,
4 correct?

5 A. Yes.

6 Q. And in the second e-mail from Ron
7 Federico back to Rob Stepien, he writes, "I
8 understand YCC has proceeded with this in the
9 absence of an agreed credit and in contrary
10 to my agreement with Jimmy in the meeting of
11 last when this occurred." Do you see that?

12 A. I do.

13 Q. The meeting he's referring to with
14 Jimmy, is that a meeting with you?

15 A. That's what it sounds like.

16 Q. And did you have a prior meeting at
17 which you discussed credits for the deletion
18 of certain interior walls?

19 A. I had discussions with Ron Federico
20 mostly on the phone as he was seldom on the
21 site.

22 Q. And do you recall any discussions
23 concerning the deletion of portions of
24 Superior Gunite's work?

25 A. Yes.

EXHIBIT 1

