

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
www.flsb.uscourts.gov

In re:

Chapter 11

BIRD GLOBAL, INC., et al.¹

Case No. 23-20514-CLC
(Jointly Administered)

Debtors.

-----/

**NOTICE OF FILING DECLARATION OF BRAD SAFON, ESQUIRE, EXPERT
WITNESS FOR LLOYD’S LONDON SYNDICATES NUMBERS 1969 AND 1971 IN
SUPPORT OF PLAN CONFIRMATION AND APPROVAL OF THE UNDERWRITERS’
INSURANCE SETTLEMENT AGREEMENT**

Lloyd’s, London Syndicates Numbers 1969 and 1971 (collectively “Underwriters”), by and through undersigned counsel, files the Declaration of Brad Safon, Expert Witness for Underwriters in Support of Plan Confirmation and Approval of the Underwriters’ Insurance Settlement Agreement June 3, 2024 [ECF No. 801].

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¹ The address of the Debtors is 392 Northeast 191st Street, #20388, Miami, FL 33179. The last four digits of the Debtors’ federal tax identification numbers are: (i) Bird Global, Inc. (3155); (ii) Bird Rides, Inc. (9939); (iii) Bird US Opco, LLC (6873); (iv) Bird US Holdco, LLC (8390); and (v) Skinny Labs, Inc. (8176).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the forgoing was served via the Court's CM/ECF to all counsel of record and interested parties registered to receive electronic noticing in this case on June 6, 2024.

Dated: June 6, 2024.

Respectfully submitted,

MARKOWITZ RINGEL TRUSTY & HARTOG, P.A.
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Tel: (305) 670-5000 / Fax: (305) 670-5011

By: *s/ Rachel L. Rubio* _____

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- And -

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*Attorneys for Apollo Syndicate Management Limited;
Apollo Group Holdings Limited; Apollo syndicate
1969; and, Apollo syndicate 1971*



In re Bird - B Safon Declaration 6-6-24.pdf

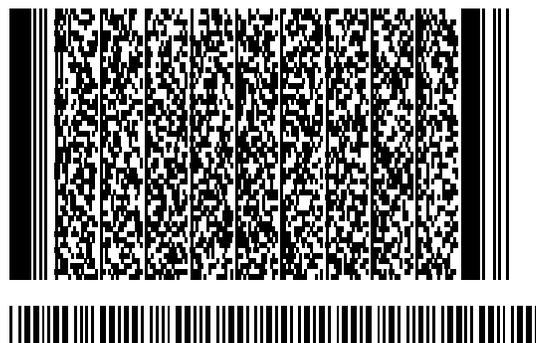
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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
www.flsb.uscourts.com

In re:

BIRD GLOBAL, INC., *et al.*,
Debtors,

Chapter 11 Cases

Case No. 23-20514

(Jointly Administered)

_____ /

**DECLARATION OF BRAD J. SAFON, ESQUIRE, EXPERT WITNESS FOR
LLOYD’S, LONDON SYNDICATES NUMBERS 1969 AND 1971**

1. My name is Brad J. Safon, and I am over twenty-one (21) years of age, and of sound mind.

Mandate

2. I was retained by Lloyd’s, London Syndicates Numbers 1969 and 1971 (collectively “Underwriters”) in connection with the above-styled bankruptcy proceedings, to wit: *In re: Bird Global, Inc., et al.*, Case No. 23-20514 (S.D. Fla. Bankr.) (the “Bankruptcy Action”).

3. I was retained to opine on the reasonable value of tort claims asserted by tort claimants against Debtors and/or municipalities across the country, which number in the hundreds. In connection with forming my opinions in this regard, as further set forth below, I have reviewed information and documents relating to the universe of claims.

4. Among these tort claims, certain claims asserted by the following claimants against, *inter alia*, municipalities in California (CA), Pennsylvania (PA) and Texas (TX) have been identified as the most significant cases and/or those which have asserted the highest demands: Tanisha Brown (CA); Gregory Buce (CA); Borna Eslami (CA); Yaman Fejleh (CA); John Francis Foley (CA); Benjamin Michael Palajac (CA); Marc Perkins-Carillo (CA); Destiny Smith (CA);

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Tracy Squire (CA); Lindsay Thompson (CA); Brenda Wright (CA); Xiao Yan Wu and Chuanyue Wu, individually and as successors-in-interest of Yin Wu (CA); Alesia Truxell, as Administratrix of the Estate of Lawrence Chertik, III, and Lawrence J. Chertik, Jr., Father of Lawrence Chertik, III (PA); Jacon Speller (PA); Jennifer Vining (PA); and Donna Jackson, Individually and as Personal Representative of The Estate of Nicholas Tchirkow (TX).

5. My opinions are based on my experience, expertise and the applicable law in the various venues where the matters are pending, including, but not limited to, California, Pennsylvania and Texas, as well as upon my review of certain documents. The documents I reviewed in the forming of my opinions as expressed in this Declaration are listed below.

Background and Experience

6. I hold a Juris Doctor degree from Emory University (Class of 1983), and a Bachelor of Arts degree from Boston University (Class of 1980).

7. I am the owner of Safon Mediation, Inc. (“Safon Mediation”) in Redondo Beach, California, which I have owned since 2015.

8. In the last nine (9) years, as owner of Safon Mediation, I have successfully mediated over one thousand (1,000) cases in over twenty (20) states, Puerto Rico and Canada, primarily in product liability, but also in the areas of personal injury, including wrongful death and catastrophic injuries, mass tort, employment, class action, intellectual property, franchise termination, and transactional and general liability.

9. During my last nine (9) years as a mediator, I have mediated cases involving, among others, Aston Martin, Dow Chemical, Mercedes Benz, Toyota, Honda, Nissan, Volvo, Yamaha, KTM, Harley Davidson, Sam’s Club, Walmart, Michelin, Yokohama, Nitto, Riddell (BRG), Takata, Autoliv, Wanda Boto, Ford, BMW, Adient, Isuzu, Mazda, Subaru, Jaguar/Land



Rover, Tesla, Polaris, Hankook, Cooper Tire, Goodyear, Bridgestone, GM and Stellantis (FCA), involving insurance carriers, among others, Tokio Marine, Mitsui Sumitomo, Federated, Sentry, HDI Global, CSAA and AIG, and involving various cities, municipalities and states/governmental agencies.

10. In addition to my mediation work, during the last nine (9) years I have also been retained as an expert witness, by both plaintiffs and defendants, in the areas of case evaluation and case valuation in connection with product liability cases in the US and Canada.

11. Prior to my opening Safon Mediation, I had thirty-two (32) years of litigation experience, primarily focused on product liability cases involving automobiles, consumer products and recreational products in all 50 states. This experience includes ten (10) years as outside counsel to many Original Equipment Manufacturers (OEMs) and suppliers, during which I handled more than one thousand (1000) cases involving non-automotive motorized vehicles throughout the northeastern United States.

12. My experience before becoming a mediator also includes twenty-two (22) years as in-house Senior Corporate Counsel for Honda North America, Inc., during which I managed national vehicular and power equipment product liability and class action litigation, approximately one thousand (1000) asbestos cases, approximately one thousand (1000) warranty cases, and approximately five hundred (500) cases in the areas of general, auto, vicarious, and lease liability. During this time, I also personally negotiated hundreds of settlements ranging in value from zero dollars (\$) to multiple millions of dollars.

13. I have been admitted to the Bars of the:
- a. States of California, Pennsylvania, New York, and Massachusetts;
 - b. United States District Courts for the Central, Eastern, Northern, and Southern Districts of California; the Eastern, Middle, and Western Districts of



Pennsylvania; the Eastern, Northern, Southern, and Western Districts of New York; and the District of Massachusetts;

- c. United States Court of Appeals for the Ninth Circuit; the Third Circuit; the Second Circuit; and the First Circuit; and
- d. United States Supreme Court.

14. My CV is attached to this Declaration.

Documents Reviewed

15. I reviewed the following documents in forming my opinions expressed in this Declaration:

- a. Metadata Regarding 2018-2023 Settlements of 348 Claims/Lawsuits/Demands Settled by Debtors or Purchaser;
- b. Bird Disclosures dated 4.29.24;
- c. Bird Rental Agreements dated 8.1.18 and amendments through 5.18.23;
- d. Claimants' Attorney Declarations dated 6.3.24;
- e. Bird Proof of Claims data dated 5.27.24 (inclusive of 203 proof of claims filed by personal injury plaintiffs/claimants, including supporting document submissions);
- f. Downtown LA Law Group Newsletter; and
- g. California Personal Injury Lawyer Custodio & Dubey Newsletter.

16. In general, these cases involve varying degrees of comparative negligence (open and obvious hazards, intoxication, failure to use a helmet, violations of Rider Agreements, operator errors and/or fault of third parties).

17. Additionally, I note that there are various legal issues, which are beyond my scope, that may, practically speaking, reduce the value of cases (self-insured retentions, waiver agreements, arbitration agreements, and rider indemnity of Debtors).

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18. I provide the following synopses of my opinions regarding those claims which have been identified as the most significant cases and/or those which have asserted the highest demands as a sample of the balance of the various personal injury claims against Bird and/or the municipalities.

Tanisha Brown v. Orion Construction Corporation, et al.,
Superior Court of the State of California, Case No. 37-2021-00052759-CU-PO-CTL

19. The above-referenced “Brown Action” arises out of Tanisha Brown (“Brown”) allegedly crashing a scooter she was riding at Mission Blvd. and Pacific Beach Drive in San Diego, California on May 23, 2021. Brown alleges that at the time and place of the incident, defendants negligently maintained construction sites and/or the roadway. Brown further alleges that because of the incident, she suffered injuries, thus incurring hospital and medical expenses, and suffering wage loss and general damage. On May 15, 2024, Brown filed a Proof of Claim in the Bankruptcy Action for an “undetermined” amount. Previously, in her Claim Against the City of San Diego form, dated September 24, 2021, Brown listed “amount [of damages] claimed as of claim date [September 24, 2021]” as One Hundred Fifty Thousand Dollars (\$150,000); and the “[e]stimated amount of future costs” as Five Hundred Thousand Dollars (\$500,000).

20. Based on my review of the available materials and my experience, a reasonable settlement range for this case is \$5,000 to \$10,000.

Gregory Buce v. City of San Diego, et al.,
Superior Court of the State of California, Case No. 37-2022-00025807-CU-PO-CTL

21. The above-referenced “Buce Action” arises out of Gregory Buce (“Buce”) allegedly being ejected from a scooter he was riding on Poe Street approaching the intersection with Chatsworth Boulevard in San Diego, California on September 26, 2020. Buce alleges that at the time of the incident, Poe Street approaching the intersection with Chatsworth Boulevard in San



Diego, California had a significant pothole/defect in the asphalt. Buce further alleges that because of the incident he suffered serious injuries, thus incurring hospital and medical expenses, and suffering serious economic and non-economic damages, wage loss and loss of earning capacity, loss of use of property, and general damage. Buce filed a Proof of Claim in the Bankruptcy Action in the amount of Thirty-Five Million Dollars (\$35,000,000).

22. Based on my review of the available materials and my experience, a reasonable settlement range for this case is \$300,000 to \$500,000.

Borna Eslami v. City of San Diego, et al.,
Superior Court of the State of California, Case No. 37-2022-00015724-OE-CTL

23. The above-referenced “Eslami Action” arises out of Borna Eslami (“Eslami”) allegedly being thrown from a scooter she was riding at approximately 200 Elm Street / 1800 2nd Avenue, San Diego, CA 92101 on May 1, 2021. Eslami alleges that at the time of the incident, the area at approximately 200 Elm Street / 1800 2nd Avenue, San Diego, CA 92101 had dangerous conditions. Eslami further alleges that because of the incident she was seriously injured and suffered catastrophic injuries, thus incurring medical and related expenses and suffering lost earnings and loss of future earning capacity. Eslami filed a Proof of Claim in the Bankruptcy Action in the amount of Twenty-Five Million Dollars (\$25,000,000).

24. Based on my review of the available materials and my experience, a reasonable settlement range for this case is \$250,000 to \$500,000.

Yaman Fejleh v. City of Los Angeles, et al.,
Superior Court of the State of California, Case No. 21STCV00089

25. The above-referenced “Fejleh Action” arises out of Yaman Fejleh (“Fejleh”) allegedly falling off a scooter she was riding at or near eastbound Olympic Blvd. and Maple St. in Los Angeles, California on July 23, 2019. Fejleh alleges that at the time of the incident, the area



at or near eastbound Olympic Blvd. and Maple St. in Los Angeles, California was in a dangerous condition. Fejleh further alleges that because of the incident she was hurt and injured in her health, strength and activity, sustaining personal and physical injuries to her nervous system and person, all of which have caused and continue to cause her mental, physical, and nervous pain and suffering, including but not limited to emotional distress, anxiety, fear and worry. Fejleh further alleges that the injuries she suffered will result in some temporary and/or permanent disability to her. Fejleh further alleges that she has incurred medical and related expenses and lost earnings and loss of earning capacity. Fejleh filed a Proof of Claim in the Bankruptcy Action in the amount of One Million, Eighty-Two Thousand, Nine Hundred Fifty-Six Dollars (\$1,082,956).

26. Based on my review of the available materials and my experience, a reasonable settlement range for this case is \$125,000 to \$175,000.

**John Francis Foley v. Exotic Ride Rentals, Inc., and City of Los Angeles, et al.,
Superior Court of the State of California, Case No. 23SMCV05980**

27. The above-referenced “Foley Action” arises out of John Francis Foley (“Foley”) allegedly falling off of a scooter he was riding southbound on La Cienega Blvd. in Los Angeles, California on June 30, 2023. Foley alleges that as he was riding the scooter, and a vehicle began closing on him from behind, he attempted to avoid the vehicle by moving onto the adjacent sidewalk. Foley further alleges that as he attempted this maneuver, the scooter struck the driveway apron, as the apron was of a height unsafe for a scooter to traverse. Foley further alleges that as a result of the incident he was hurt and injured in his health, strength and activity, sustaining personal and physical injuries to his nervous system and person, all of which have caused and continue to cause him mental, physical, and nervous pain and suffering, including but not limited to emotional distress, anxiety, fear and worry. Foley further alleges that the injuries he suffered resulted in some disability to him, and that he has incurred and will continue to incur medical, hospital and



incidental expenses. Foley filed a Proof of Claim in the Bankruptcy Action in the amount of One Million, Eighty-Three Thousand, Four Hundred Ninety-Nine Dollars and Eighty Cents (\$1,083,499.80).

28. Based on my review of the available materials and my experience, a reasonable settlement range for this case is \$100,000 to \$150,000 (assuming Exotic Ride Rentals, Inc. is a Debtor. If not, the value is \$0 to \$10,000).

Benjamin Palajac v. City of Los Angeles, et al.,
Superior Court of the State of California, Case No. 21STCV41679

29. The above-referenced “Palajac Action” arises out of Benjamin Pelajac (“Palajac”) allegedly being thrown from a scooter he was riding at or near 505 Landfair Ave. in Los Angeles, California on December 8, 2020. Palajac alleges that at the time of the incident, the area at or near 505 Landfair Ave. in Los Angeles, California had dangerous conditions. Palajac further alleges that because of the incident he was seriously injured and suffered catastrophic injuries, thus incurring medical expenses and suffering lost earnings and loss of earning capacity. Palajac filed a Proof of Claim in the Bankruptcy Action in the amount of Two Million, Five Hundred Thousand Dollars (\$2,500,000).

30. Based on my review of the available materials and my experience, a reasonable settlement range for this case is \$75,000 to \$100,000.

Marc Anthony Perkins-Carillo v. City of San Diego, et al.,
Superior Court of the State of California, Case No. 37-2022-00037920-CU-PO-CTL

31. The above-referenced “Carillo Action” arises out of Marc Perkins-Carillo (a/k/a Marc Anthony Perkins-Carillo) (“Carillo”) allegedly being thrown to the ground off a scooter he was riding at the intersection of Park Blvd. and Presidents Way in San Diego, California on August 1, 2021. Carillo alleges that at the time of the incident, the intersection of Park Blvd. and Presidents



Way in San Diego, California had an invisible pothole. Carillo further alleges that because of the incident he suffered a fractured right wrist and right hip, thus incurring hospital and medical expenses, and suffering wage loss and loss of future earning capacity and general damage. Carillo filed a Proof of Claim in the Bankruptcy Action in the amount of One Million Dollars (\$1,000,000).

32. Based on my review of the available materials and my experience, a reasonable settlement range for this case is \$100,000 to \$150,000.

Destiny Smith v. City of San Diego, et al.,
Superior Court of the State of California, Case No. 37-2023-00006933-CU-PO-CTL

33. The above-referenced “Smith Action” arises out of Destiny Smith (“Smith”) allegedly tripping over a pothole and falling while riding a scooter near 3215 Mission Boulevard and West Mission Bay Drive in San Diego, California on March 31, 2022. Smith alleges that at the time of the incident, the street was poorly maintained. Smith further alleges that because of the incident she was harmed, thus incurring hospital and medical expenses, and suffering wage loss and loss of earning capacity and general damage. Smith has not filed a Proof of Claim in the Bankruptcy Action.

34. Based on my review of the available materials and my experience, a reasonable settlement range for this case is \$75,000 to \$100,000.

Tracy Squire v. City of Santa Monica, et al.,
Superior Court of the State of California, Case No. 20STCV16854; and
Dunya Abbo; and Tracy Squire, et al. v. Bird Rides, Inc., et al.,
Superior Court of the State of California, Case No. 20STCV18903

35. Tracy Squire (“Squire”) has filed the two above-referenced actions (referred to jointly as the “Squire Actions”). The Squire Actions arise out of Tracy Squire (“Squire”) allegedly crashing a rented scooter she was riding in Santa Monica, California on or about August 30, 2019.



Squire alleges that at the time and location of the incident, the roadway contained irregularities, and that the City of Santa Monica and/or its employees negligently, carelessly, recklessly and wantonly managed, maintained, controlled, operated and entrusted the roadway. Squire further alleges that because of the incident she suffered a right tibia plateau fracture requiring two surgeries to rebuild her leg, thus incurring hospital and medical expenses, and suffering wage loss and loss of future earning capacity and general damage. Squire filed two Proofs of Claim in the Bankruptcy Action: (i) a February 28, 2024 Proof of Claim in the amount of One Million Dollars (\$1,000,000); and a May 14, 2024 Proof of Claim in the amount of Two Million, Five Hundred Thousand Dollars (\$2,500,000).

36. Based on my review of the available materials and my experience, a reasonable settlement range for this case is \$50,000 to \$75,000.

Lindsay Thompson v. City of San Diego, et al.,
Superior Court of the State of California, Case No. 37-2021-00030407-CU-PO-CTL

37. The above-referenced “Thompson Action” arises out of Lindsay Thompson (“Thompson”) allegedly flying off a scooter at or near 3362 Strandway in San Diego, California on June 24, 2020. Thompson alleges that at the time of the incident, the roadway at or near 3362 Strandway in San Diego, California had a pothole and/or a cracked, depressed, or uneven surface. Thompson further alleges that because of the incident she suffered a broken leg in several places, requiring multiple surgeries, and that she also suffered physical and mental pain and suffering. Thompson further alleges that she incurred medical, other health related, and incidental expenses, and suffering lost earnings and loss of earning capacity. Thompson filed a Proof of Claim in the Bankruptcy Action in the amount of Fifteen Million Dollars (\$15,000,000).



38. Based on my review of the available materials and my experience, a reasonable settlement range for this case is \$500,000 to \$1M (unless the alley was not controlled by the City of San Diego, in which case the range is \$10,000 to \$20,000).

Brenda Wright v. City of San Diego, et al.,
Superior Court of the State of California, Case No. 37-2022-00029698-CU-PO-CTL

39. The above-referenced “Wright Action” arises out of Brenda Wright (“Wright”) allegedly being thrown from an electric scooter she was riding at Manchester Pacific Gateway and Naval Headquarters near the 800 block of Pacific Highway in San Diego, California on August 19, 2021. Wright alleges that in constructing the Manchester Pacific Gateway and Naval Headquarters near the 800 block of Pacific Highway in San Diego, California, the defendants created or allowed the creation of a deep rut in the roadway. Wright further alleges that as a result of the incident she suffered a brain bleed and brain bruise requiring a craniectomy, thus incurring medical and other health related expenses, and suffering lost earnings. Wright filed a Proof of Claim in the Bankruptcy Action in the amount of Twenty-Five Million Dollars (\$25,000,000).

40. Based on my review of the available materials and my experience, a reasonable settlement range for this case is \$750,000 to \$1.25M.

Xiao Yan Wu and Chuanyue Wu, individually and as
successors-in-interest of Yin Wu v. James Cody Skene; and Bird Rides, Inc., et al.,
Superior Court of the State of California, Case No. 22STCV210209

41. The above-referenced “Wu Action” arises out of Yin Wu (“CA Decedent”), a pedestrian, allegedly being struck by a Bird electric scooter as he was walking northbound on the north sidewalk of Lincoln Boulevard in Los Angeles, California on May 29, 2021. Xiao Yan Wu and Chuanyue Wi (referred to jointly as the “Wu Estate”) allege that the scooter that struck CA Decedent and caused his death was being ridden by co-defendant James Cody Skene and an unknown John Doe. The Wu Estate seeks damages for pain, suffering and inconvenience;

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emotional distress; loss of society and companionship; property damage; and funeral expenses. The Wu Estate filed a Proof of Claim in the Bankruptcy Action in the amount of Five Million Dollars (\$5,000,000).

42. Based on my review of the available materials and experience, a reasonable settlement range for this case is \$0 to \$10,000.

**As to Alesia Truxell, as Administratrix of the Estate of Lawrence Chertik, III;
and Lawrence Chertik, III, as Father of Lawrence J. Chertik, Jr.
Alesia Truxell, Administratrix of the Estate of Lawrence Chertik, III, et al.
v. Segway-Ninebot d/b/a Segway Inc., et al.,
Court of Common Pleas of Allegheny County, Pennsylvania, Case No. GD-23-010483**

43. Alesia Truxell, as Administratrix of the Estate of Lawrence Chertik, III; and Lawrence Chertik, III, Father of Lawrence J. Chertik, Jr. (referred to jointly as the “Chertik Estate”), along with Jacon Speller (“Speller”) and Jennifer Vining (“Vining”), filed the above referenced “Pennsylvania Action.” As to the Chertik Estate, the Pennsylvania Action arises out of the alleged February 19, 2023 Spin Electric Scooter accident involving Lawrence J. Chertik, Jr. (“PA Decedent”) at or near the Southern Tier Brewing Company in Pittsburgh, Pennsylvania. The Chertik Estate alleges that PA Decedent died because of the incident, and further alleges that the Chertik Estate and/or PA Decedent incurred medical, surgical, burial, and funeral costs. On December 20, 2023, the Chertik Estate filed a Proof of Claim in the Bankruptcy Action for an amount “To Be Determined.” Two days later, on December 22, 2023, the Chertik Estate filed an amended Proof of Claim in the Bankruptcy Action in the amount of Ten Million Dollars (\$10,000,000).

44. Based on my review of the available materials and my experience, a reasonable settlement range for this case is \$0 to \$10,000. If a causal link could be established between the



use of the scooter and the death of the decedent, then a reasonable settlement could be as high as \$1M.

As to Jason Speller:
Alesia Truxell, Administratrix of the Estate of Lawrence Chertik, III, et al.
v. Segway-Ninebot d/b/a Segway Inc., et al.,
Court of Common Pleas of Allegheny County, Pennsylvania, Case No. GD-23-010483

45. As to Speller, the Pennsylvania Action arises out of his alleged September 11, 2021 single vehicle Spin Electric Scooter accident at approximately 485 S. Neville St., Pittsburgh, PA. Speller alleges that because of the incident he suffered bruising and swelling to his forehead, and that he suffered and will continue to suffer permanent long-term physical, financial and emotional injuries. Speller further alleges that he has incurred and will continue to incur medical care, surgery, hospital and rehabilitation costs, and suffered and will continue to suffer lost wages and loss of earning capacity. On December 20, 2023, Speller filed a Proof of Claim in the Bankruptcy Action for an amount “To Be Determined.” Two days later, on December 22, 2023, Speller filed an amended Proof of Claim in the Bankruptcy Action in the amount of Ten Million Dollars (\$10,000,000).

46. Based on my review of the available materials and my experience, a reasonable settlement range for this case is \$0 to \$10,000.

As to Jennifer Vining:
Alesia Truxell, Administratrix of the Estate of Lawrence Chertik, III, et al.
v. Segway-Ninebot d/b/a Segway Inc., et al.,
Court of Common Pleas of Allegheny County, Pennsylvania, Case No. GD-23-010483

47. As to Vining, the Pennsylvania Action arises out of her alleged June 10, 2022 Spin Electric Scooter accident at approximately 790 W. General Robinson Way, Pittsburgh, PA. Vining alleges that because of the incident, upon returning to her AirBnB rental, she became nauseous and began vomiting, prompting her to go to the emergency room. Vining further alleges that she



suffered life altering injuries and long term physical and emotional injuries. Vining further alleges that she incurred and will continue to incur medical and hospital expenses. On December 20, 2023, Speller filed a Proof of Claim in the Bankruptcy Action for an amount “To Be Determined.” Two days later, on December 22, 2023, Vining filed an amended Proof of Claim in the Bankruptcy Action in the amount of Ten Million Dollars (\$10,000,000).

48. Based on my review of the available materials and my experience, a reasonable settlement range for this case is \$10,000 to \$20,000.

**Donna Jackson, Individually and as Personal Representative of
The Estate of Nicholas Tchirkow v. Lee Ann Nash, and Bird Rides Inc.,
In the District Court of Travis County, Texas, Cause No. D-1-GN-21-006844**

49. The above-referenced “Tchirkow Action” arises out of Nicholas Tchirkow (“Tchirkow”) allegedly being struck by a motor vehicle while riding a Bird scooter near the Enfield Road exit of the Mopac Expressway in Austin, Texas on September 18, 2021. In the Tchirkow Action plaintiff Donna Jackson (a/k/a Donna Jackson Tchikow) (“Jackson”) alleges that the motor vehicle that struck Tchirkow was being operated by co-defendant Lee Ann Nash, who was under the influence of alcohol and driving with her headlights turned off. Jackson further alleges that Tchikow died because of the incident. On February 26, 2024, Jackson filed a Proof of Claim in the Bankruptcy Action for an “undetermined” amount.

50. Based on my review of the available materials and my experience, a reasonable settlement range for this case is \$0 to \$10,000.

Further Opinion

51. Based on my review of the available materials relating to the above claims and Bird scooter claims, it is my opinion that the Proofs of Claim filed by the personal injury



plaintiff/claimants in this matter, including but not limited to the above, are excessive and beyond what could be considered as reasonable settlement ranges.

Reservation

52. I reserve the right to amend or modify my opinions as expressed in this Declaration as further information becomes available.

FURTHER DECLARANT SAYETH NOT.

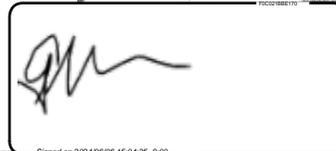
WITNESS my hand this 6th day of June, 2024.


BRAD J. SAFON

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

BEFORE ME, the undersigned authority, appeared BRAD J. SAFON, who is personally known to me, by means of on-line notarization, and who, after being duly sworn, did state that the foregoing facts are true and correct to the best of his knowledge.

SUBSCRIBED and SWORN to before me, a Notary Public, on this 06/06/2024 .



Notary Public
State of Florida

My commission expires:

Grace-Marie Bauza
Commission # GG 23516
Notary Public - State of Florida
My Commission Expires Aug 22, 2024

Notary Stamp 2024/06/06 15:04:35 PST

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212 Avenue A
Redondo Beach, CA 90277

Tel: 310-346-3460



Brad J. Safon

Legal Experience 2015-date Safon Mediation, Inc. Redondo Beach, CA

Owner

- Successfully mediated hundreds of cases involving product liability, mass tort, franchise termination and employment. National practice – mediated cases in over 20 states and Canada.
- Representative corporations include Aston Martin, Dow Chemical, Mercedes Benz, Toyota, Honda, Nissan, Volvo, Yamaha, KTM, Harley Davidson, Sam's Club, Walmart, Michelin, Yokohama, Nitto, Riddell (BRG), Takata, Autoliv, Wanda Boto, Ford, BMW, Adient, Isuzu, Mazda, Subaru, Jaguar/Land Rover, Tesla, Polaris, Hankook, Cooper Tire, Goodyear, Bridgestone, GM and Stellantis (FCA).
- Representative insurance carriers include Tokio Marine, Mitsui Sumitomo, Federated, Sentry, HDI Global, CSAA and AIG.
- Representative plaintiffs' attorneys include Rob Ammons, Bob Hilliard, Tab Turner, Lance Cooper, Brian Panish, Scott West, Brett Turnbull and Brian Chase.
- Retained as an expert witness in case evaluation for both plaintiffs' and defense counsel.

1993-2015 Honda North America, Inc. Torrance, CA

Senior Corporate Counsel

- Managed national vehicular and power equipment product liability and class action litigation as well as 200 asbestos cases, 200 warranty cases and 100 general/auto/vicarious/lease liability cases.
- Personally negotiated settlements from zero to multiple millions of dollars.
- Prepared more than 80 Japanese and American engineers for deposition and trial testimony in U.S. litigation.
- Corporate Counsel to Honda Aero, Inc. (jet engines).
- Responsible for national projects including passive restraint, Takata seatbelt press button, ATV rear pitch and the Takata airbag litigation.
- Coordinated the briefing and oral argument in *Geier v. Honda*, an airbag preemption case, before the U.S. Supreme Court.
- Frequently lectured to various Honda entity associate groups in the U.S., Japan and Canada on legal issues affecting the company.

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- Negotiated component supplier contract with another OEM.
- Negotiated contract with a Mobility Conversion company.

1991-1993 Rushfeldt Shelley & Drake Sherman Oaks, CA

Senior Attorney

- Responsible for medical malpractice defense case handling from inception through trial.

1984-1991 Lester Schwab Katz & Dwyer New York, NY

Senior Associate

- Opened Los Angeles area branch office in 1989.
- Responsible for coordination of more than 100 ATV cases in the northeast region of the U.S..

Education

1980-1983 Emory University School of Law Atlanta, GA

- J.D., Moot Court

1978-1980 Boston University Boston, MA

- B.A. Political Science, Cum Laude

1976-1978 Lafayette College Easton, PA

Bar Admissions

NY, MA, PA, CA (inclusive of U.S. District Courts); U.S. Supreme Court.

Members

LACBA, DRI, ABA, PLAC

- Contributing author to *Resolving Insurance Disputes Before Trial*, ABA Book Publishing, 2018, Chapter 11 – **Products Liability Personal Injury Claims**, ISBN: 978-1-64105-099-9
- Speaker on Accident Reconstruction, DRI Product Liability seminar - General Session, 1995; Frequent Speaker at DRI Strictly Automotive seminars, 2010 – date.
- Steering Committee member, DRI Product Liability seminar - Trial Techniques Specialized Litigation Group, 1994 – 1999.
- Speaker on Geierv. Honda, DRI Product Liability seminar - Automotive Litigation Specialized Litigation Group, 2000.
- Frequent panel speaker at annual ABA TIPS Product Liability seminars, 2005 - date.
- Co-Chairman, Biomechanics and Injury Causation (BIC) Specialized Litigation Group, DRI, 2007-2009.
- Speaker at the IADC International Corporate Counsel College in Paris, France, 2009.
- Speaker at the ACI Product Liability Litigation Conference in Chicago, 2014.
- Author and Presenter of “Smart Cars – Legal Issues and New Technology” at the DRI Strictly Automotive Seminar in Chicago, 2014.
- Graduate of the Pepperdine Straus Institute course on Mediating the Litigated Case, 2015.
- Speaker at the IADC International Corporate Counsel College in Chicago, 2015.
- Guest lecturer at Florida International University Law School product liability class, 2015
- Guest lecturer at Pepperdine University Law School mediation class, 2015
- Moot Court Justice for final round of the American Collegiate Moot Court Association, 2016
- Guest speaker at the ABA TIPS Product Liability Seminar on “What I’ve Learned About Settling Cases”, 2019

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