

BUSINESS JOURNAL

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Manufacturer to build \$5M facility

BY YVONNE TEEMS
DBJ CONTRIBUTOR

Matt Cain is launching big plans to grow his air compressor manufacturing company this year.

Cain, president and chief executive officer of Eaton Compressor and Fabrication Inc., intends to launch an additional company — Eaton-Max — to retail the goods he manufactures at his Eaton plant.

Eaton Compressor manufactures air compressors, air tools and air dryers and sells them to body shops, granite shops, tool shops and other manufacturers. Eaton-Max will allow Cain to sell his wares in stores such as Home Depot, plugging Cain's business into a wider market.

"This is another avenue to get my business out there," Cain said.

The launch of Eaton-Max requires a big expansion for the small company. Eaton Compressor now has 17 workers in a 17,000-square-foot facility on U.S. Route 35. That space isn't big enough for the assembly line operations needed to mass produce items for retail sale, Cain said.

This summer, Cain will invest \$5 million to open a 60,000-square-foot facility on a 15-acre site that has yet to be chosen. Cain has recruited John Buckley Contracting in Eaton for the building work. The new company will create 40 new jobs in two to three years. Cain is launching the new venture by teaming up with a silent partner out of China. The Chinese partner and Cain each will own 50 percent of



JAMES E. MAHAN ■ DBJ

Matt Cain, president and chief executive officer of Eaton Compressor and Fabrication Inc., stands with two of the company's products. Cain intends to launch an additional company Eaton-Max.

Eaton-Max.

The new company will help Cain grow his business. In 2007, the company's revenue was \$6.2 million, and Cain's goal is to reach \$20 million in annual sales in the next five to 10 years.

While Cain is looking to move forward on the project quickly — he'd like to be up and running by the end of the year. Cain

said he originally wanted to stay in Eaton because the town is the company's namesake and the company has operated there for years. But the city of Brookville came forward with a better offer than the city of Eaton, Cain said.

Brookville, 15 miles northeast of Eaton, is

See **EATON** page 25

Law firm sets deadline for Ballpark move

BY YVONNE TEEMS
DBJ CONTRIBUTOR

At least one company slated to move into Ballpark Village is getting frustrated with project delays and may pull out of the planned development.

Law firm Thompson Hine will abandon plans to move into the proposed \$230 million development if an agreement cannot be reached between the city of Dayton and project developers before mid-summer, said Bob Curry, partner-in-charge of the firm.

The 110-person firm has offices in the former MeadWestvaco Tower downtown, and is considering new locations inside and outside of the city of Dayton, Curry said. Leaving downtown is a possibility, which would be another blow to a downtown that already has lost about a dozen companies and more than 1,000 employees in the past several years.

"We've been waiting to see if Ballpark Village would happen. Although, from our perspective, there's not a whole lot of time left for that decision to be made," Curry said. "I don't know how long I'd wait. We're

See **LAW FIRM** page 25

Aircraft company to add staff, purchase two Dayton buildings

BY JACOB DIRR
DBJ STAFF REPORTER

A local aerospace manufacturer received a small-business loan in March toward the purchase two buildings in Dayton.

CityWide Development Corp. approved a \$248,000 loan for Precision Aircraft

Components Inc. to help the company purchase the buildings it currently leases, where the aircraft supplier hopes to create 13 full-time jobs.

The company, which has 40 employees, performs the majority of its work for the aerospace industry, but also works with medical, food and automotive industries. One of the company's main customers is GE Aircraft, said Emsy Little Jr., president

and chief executive officer of Precision.

Precision Aircraft Components currently has its headquarters on Armstrong Lane in Dayton, an adjacent location on Webster Street and is looking to acquire both buildings that total more than 17,000 square feet.

Little said the Webster Street location is currently leased out, but he hopes to expand into the space in the future.

He said the company generally tries to keep a low profile to stay competitive.

"As long as we are under the radar, no one squeezes us," Little said.

He said the current growth will put the company in a "good, comfortable position."

Precision Aircraft Components is grow-

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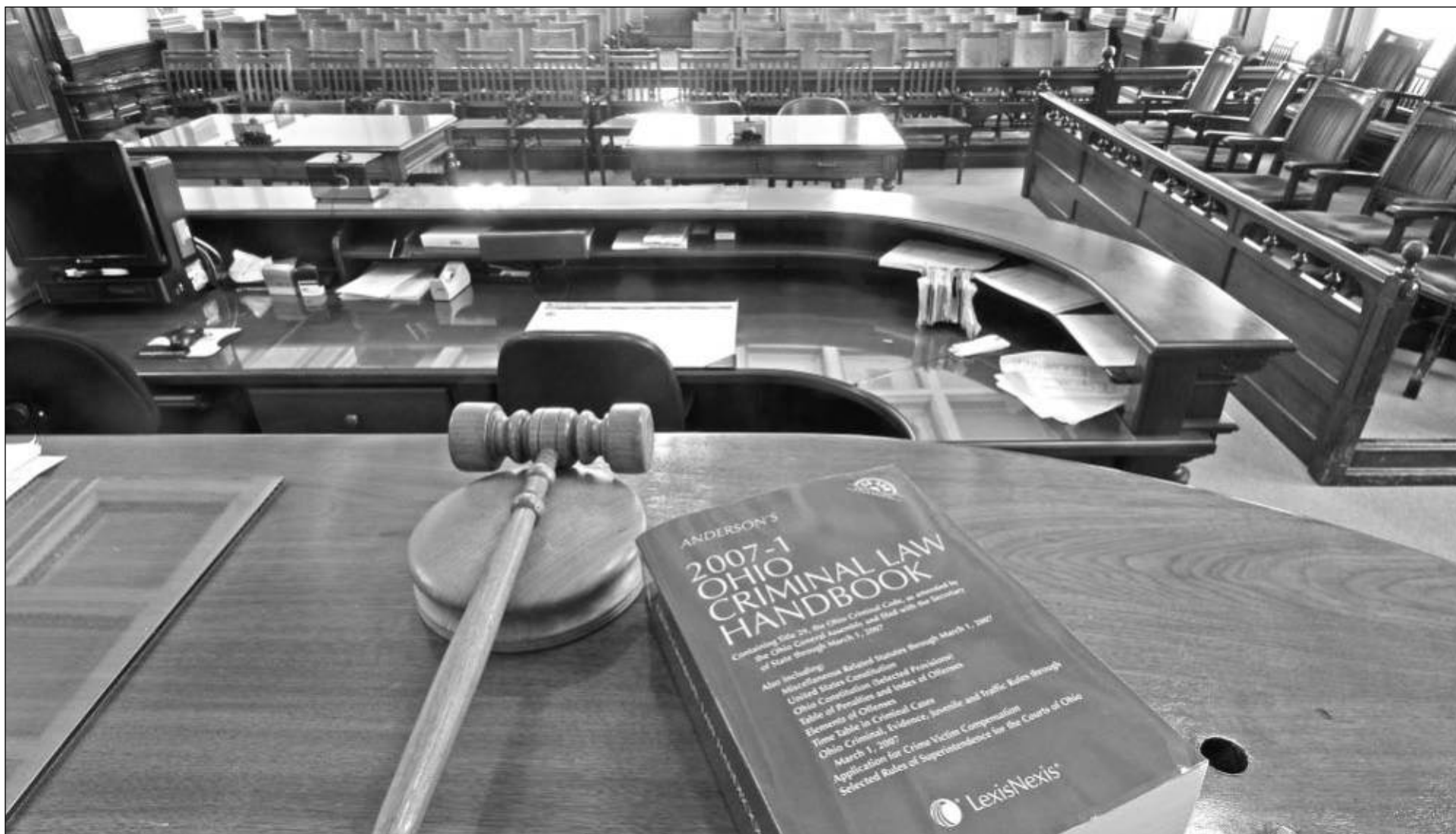


FOCUS

Nick Subashi, a lawyer with Subashi, Wildermuth and Dinkler, knows the benefits of an expert witness **12**

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JAMES E. MAHAN ■ DBJ

ON THE STAND

Number of expert consulting firms grow in recent years

■ BY JOE COGLIANO II
DBJ CONTRIBUTOR

On television, crime shows often portray expert witnesses as case breakers. An expert makes a bold statement, a gasp is heard throughout the courtroom and the question of guilt or innocence quickly becomes apparent.

While expert witness testimony in civil cases typically isn't as explosive, lawyers like Nick Subashi know the critical role it plays.

In a recent case, for example, the partner in the Beavercreek-based law firm Subashi, Wildermuth and Dinkler was defending the maker of a product that secures wheelchair users in the driver's area of a van. When a handicapped driver was involved in a tragic accident, the company was sued over allegations its product failed, allowing the driver to roll backwards as he accelerated with hand controls.

Problem was, the driver allowed his van to go to the wrecking yard, so the plaintiffs used an expert who analyzed pictures of the device to try and prove their case. Subashi convinced the judge to exclude the other side's expert as scientifically unreliable and had his own experts, like a mechanical engineer, to bolster his client's defense. He won the case, which is now on appeal.

"My expert showed that the product worked as it was intended to work," Subashi said.

While they aren't using more or less expert witnesses than in the past, local law firms said tracking down these special-

ists has gotten a whole lot easier. And that's good news for civil lawyers, who use experts to prove a case or defend clients and then try to influence damage awards.

There has always been an expert witness industry but in recent years the number and size of expert consulting firms has grown while industry associations have become clearinghouses for experts, according to Diane Sumoski, a lawyer with Dallas, Texas-based Carrington Coleman and co-chair of an expert witnesses committee for the American Bar Association.

"They've gotten much more organized, much better at networking and publicizing themselves," Sumoski said.

Costs for experts vary, but industry insiders say they can add up to as much as lawyer fees in complex cases.

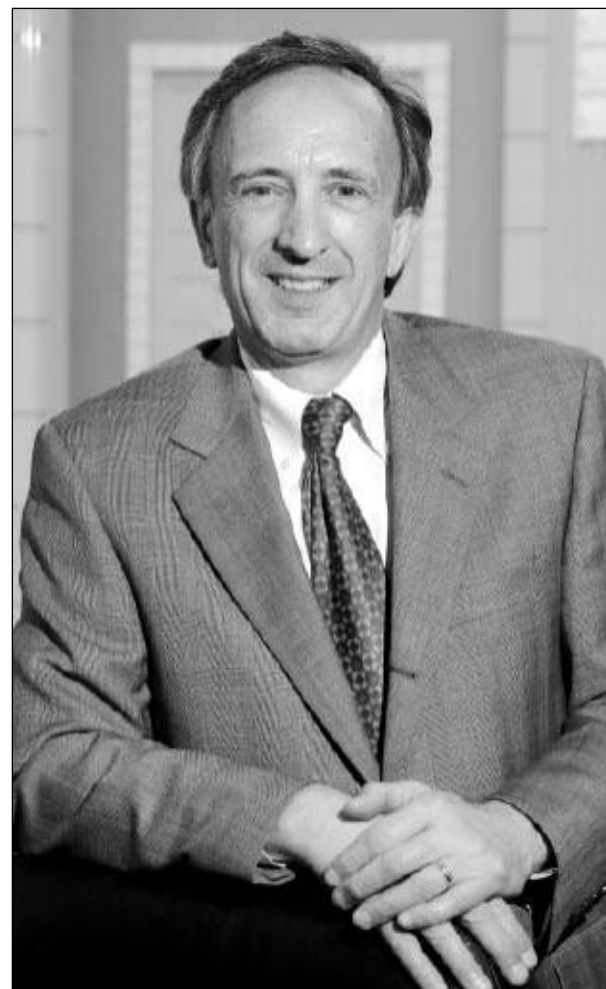
On a recent bankruptcy case, for example, Sumoski's firm paid about \$1 million for an expert to testify about damages. The price may seem steep, but consider that \$100 million was in dispute.

"And the expert and his assistants had hundreds of thousands of pages of documents to sift through to calculate damages," she said. "They did a lot of work."

Adding to the cost of experts, court rules allow challenges to their reliability. In Sumoski's recent case, she and the expert spent three days in court just to justify the expert could testify in the case.

"It seems like now it's almost routine that you get those

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JAMES E. MAHAN ■ DBJ

Nick Subashi, attorney at law with Subashi, Wildermuth, and Dinkler understands the critical role that expert witnesses can play in a case.

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LAW: Expert witness fees vary widely

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challenges," she said.

Physicians and other medical experts, for example, can charge as much as \$4,000 to \$7,000 per day, plus expenses, said lawyer Neil Freund, of Dayton law firm Freund, Freeze and Arnold.

"It's a very expensive business," Freund said. "Most of the time it's very costly to bring on a professional expert."

Freund, Freeze and Arnold uses experts in most of its cases — typically professional liability, auto accident and commercial work — and does its own research to find them from out of town.

While bringing in expert witnesses can get pricey, Freund and his colleagues said it's a necessity in most civil cases.

"Many times the jurors will tell you after they've made a decision that the other side's expert was good and your expert was good ... and they kind of neutralize one another," he said. "So most times they base their decisions on the individual clients; if it's a professional case, for example, whether the professional comes across as being honest and whether the jury believes they did the right thing."

Charlie Faruki's law firm frequently relies on expert witnesses and finds them from a wide variety of sources such as engineering and accounting faculty at local universities and national consulting firms for experts in marketing, securities and economics.

The managing partner of Dayton-based Faruki Ireland and Cox, which focuses on commercial litigation cases involving regulatory requirements, antitrust issues, and intellectual property, said fees for experts vary so widely it's hard to give a range.

What makes a good expert witness, accord-

ing to Faruki, is a sound grasp of the subject matter and good communication skills.

"They need to get across points that are off the radar of a typical judge or jury," he said.

Before signing an expert, lawyers typically send case materials to a potential witness and discuss the issue by phone. If all goes well, they meet with the person to size up how they would be received by a local jury.

"Is this the kind of person that will come across well, is believable, is likeable or is this a person who is arrogant and will talk down to the jury, use words the jury won't understand," Subashi said.

Alan Duvall has been tapped as an expert witness for more than 25 years.

It started when he was working as a certified public accountant for another firm and no one else wanted to handle cases that needed an expert witness.

"They looked interesting so I got involved," said the founder of Duvall and Associates Inc.

Once he got started, word spread and now Duvall spends about a third of his time working as an expert. With a CPA license, law degree and certification as valuation analyst, he gets called into about 60 cases a year, which typically involve business appraisals and financial damages.

Duvall doesn't formally advertise his services as an expert, but many specialists do.

"One lawyer uses you and maybe the lawyer on the other side is impressed, so he starts using you," he said. "Or someone calls a lawyer and asks if they know an expert and your name comes out."

Joe Cogliano II is a frequent contributor to the Dayton Business Journal. Reach him at jocog2@sbcglobal.net.

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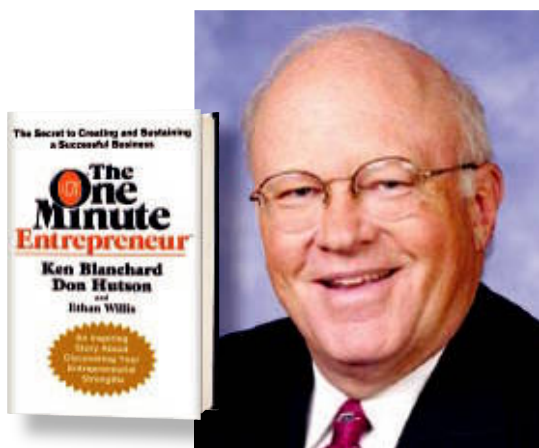


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