

HHD-CV16-6065384-S : SUPERIOR COURT
KEVIN BLAKE, EXECUTOR OF THE : JD OF HARTFORD
ESTATE OF DORIS AND KEVIN BLAKE, :
INDIVIDUALLY : AT HARTFORD

VS.

HARVEST NEW ENGLAND, LLC
AND PETER BOWMAN :

AFFIDAVIT OF MATTHEW L. VITTIGLIO, ESQ.

I, Matthew L. Vittiglio, being duly sworn do hereby depose and say:

1. This affidavit is based upon my personal knowledge.
2. I understand and believe in the obligations of an oath.
3. I have continuously been admitted to practice law in the Commonwealth of Massachusetts from December 1, 2006 through the present.
4. I was the Vice President, Corporate Counsel for Harvest Power, Inc. which wholly-owns the defendant, Harvest New England, LLC at the time of the subject accident on January 26, 2015 until October 7, 2016.
5. I have reviewed the updated privilege log which is attached as Exhibit 1 to this affidavit.
6. In my capacity as Vice President, Corporate Counsel for Harvest Power, Inc., I directed the authors of all three privileged documents to investigate and prepare the documents in order to assist me in giving legal advice to Harvest New England, LLC. Specifically, I asked Sharon Brigano to ask John de Rahm to create a timeline of the events of the day leading up to the accident for the purpose of investigating the accident, evaluating Harvest's potential liability and to assist me in giving legal advice as to how Harvest should protect its interests. This timeline was reduced to a memorandum on January 28, 2015. I asked Wayne Davis to interview Peter Bowman for the purpose of further investigating the accident, Harvest's potential liability and my future legal recommendations. This interview resulted in Wayne Davis' notes dated January 29, 2015. Similarly, the email of Wayne Davis dated February 5, 2015 was part of the investigation that I had instructed for the purpose of my legal analysis and recommendations to Harvest.
7. As noted in the privilege log, these documents were all created less than two weeks after a fatal motor vehicle accident involving one of Harvest's vehicles and one of Harvest's drivers when future litigation was anticipated by both myself and Harvest.

8. As noted in the privilege log, all three of the privileged documents were only shared with Harvest Power, Inc. and Harvest New England, LLC employees and later, their outside counsel. These documents were not shared with any third parties such as insurance agents or insurers.
9. I directed the investigation and creation of the three privileged documents for the purpose of giving legal advice to Harvest in order to protect their interests.
10. It was the expectation of both myself and Harvest that all three of these documents would be made in confidence and that they would not be shared outside of Harvest with the exception of any outside counsel retained on behalf of Harvest.


Matthew L. Vittiglio, Esq.

Subscribed and sworn to before me on this 8th day of February __, 2017.


Notary Public/Commissioner of the Superior Court

