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SCOTT A. BAYLEY, CPA/ABV, CFE, CVA **Managing Director**



SUMMARY

Mr. Bayley, a Managing Director, is the founder of Accumyn and serves as its President. He has served public and private businesses, governmental entities, and law firms with auditing, accounting, financial, and economic consulting services for over thirty years. A primary focus of his practice is analysis of damages, fraud and forensic accounting examinations, preparation of expert reports and expert testimony regarding accounting disputes, financial and economic claims, and valuation analysis.

Mr. Bayley has provided expert testimony in hundreds of matters. His expert testimony has addressed issues such as financial and economic damages, the value of businesses or business segments, the value of securities, options and derivatives, accounting irregularities and financial misrepresentations, adherence to generally accepted accounting principles, cause of business failure or financial distress, competitor and economic analysis, industry conditions and standard practices, and indicia of fraud.

His dispute consulting experience includes assisting in a broad array of matters, including the following:

- *Employment*
- *Personal Injury*
- *Fraud*
- *Contract*
- *Anti-Trust*
- *Fiduciary Duty*
- *Mergers & Acquisitions*
- *Accounting Irregularities*
- *Economic Substance*
- *Shareholder Claims*
- *Patent*
- *Copyright*
- *Trademark*
- *Trade Secrets*
- *Trade Dress*
- *Construction*
- *Bankruptcy*
- *SEC Issues*
- *Directors and Officers*
- *Partner Disputes*
- *Tortious Interference*
- *Insurance Claims*
- *GAAP Standards*
- *Financial Reporting*
- *Tax Controversy*
- *Government*
- *Solvency & Insolvency*
- *Plan Feasibility*
- *Business Interruption*
- *Professional Malpractice*

Prior to founding Accumyn, Mr. Bayley was a Managing Director for the expert services firm LECG. Previous positions include Partner-in-Charge of financial advisory services at BDO, Managing Director with responsibilities for litigation consulting, forensic accounting and valuation at KPMG, Senior Manager in dispute analysis and corporate recovery services at PWC, and Manager in audit and business advisory services for Arthur Andersen.

EDUCATION, CERTIFICATIONS, MEMBERSHIPS

Mr. Bayley's academic background includes coursework in Economics, Corporate and Real Estate Finance, Financial and Managerial Accounting, Corporate, Partnership, Individual, Informational, Fiduciary, Estate and Gift Federal Taxation, and Statistics. He has considerable Continuing Professional Education hours in Financial Accounting, Auditing, Federal Taxation, Fraud Examination, Business Valuation and Business Information Systems.

- Bachelor of Business Administration in Accounting-1985 The University of Texas at Austin
- Certified Public Accountant (CPA)
- Accredited in Business Valuation (ABV) by the American Institute of Certified Public Accountants
- Certified Fraud Examiner (CFE) Member of the Association of Certified Fraud Examiners
- Certified Valuation Analyst (CVA) Member of the National Association of Certified Valuators Analysts
- Member of the American Institute of Certified Public Accountants
- Member of the Texas Society of Certified Public Accountants
- Member of the Houston Chapter of Certified Public Accountants
- Forensic Expert Witness Association - Houston Chapter, Founding President

CIVIC LEADERSHIP

- Literacy Now 501C(3) – Board of Directors 2016-Present
- 100 Men Who Give a Damn Houston 501C(3) – Board of Directors 2017-Present
- Asia Society Texas Center 501C(3) - Finance & Audit Committee 2018-2019
- Harvard-Westlake School Parents Association – Treasurer 2018-2019

ARTICLE PUBLICATIONS AND PRESENTATIONS

- *Turmoil In The Oil Patch Since The 2014 Oil Price Drop*, March 5, 2018 CLE presented with Bonnie Milne-Andrews, Dan Watson, and Justin Ratley.
- *Americans and Their Cars*, July 15, 2016, Shale Magazine
- *The Big Deals That Made Big Oil*, March 2016, Shale Magazine
- *Managing Your Savings- Five Strategies in a Low Interest Rate Environment*, February 5, 2016, Shale Magazine
- *4 Ways to get Smart about Managing IP in Lean Times*, October 20, 2015, Houston Business Journal
- *Gas Royalty Economics & Current Litigation Update*, September 17, 2015 CLE presented with Luigi Calabrese, Ronald Guajardo, and Jay Wieser.
- *Intellectual Property Issues in Restructuring and Bankruptcy*, September 15, 2015 presented at the EUCI Conference.
- *Energy Bankruptcy & Litigation in the Low Oil Price Environment*, June 18, 2015, CLE presented with Larry Prescott, Guy Brasseux and Dan Watson.
- *5 Ways the Oil Price Slump Today is Different from 30 Years Ago*, June 12, 2015, Houston Business Journal, co-authored with Guy Brasseux.
- *To Drill or not to Drill – that is the question*, May 1, 2015, Houston Business Journal, co-authored with Guy Brasseux.

- *Energy Bankruptcy & Litigation in the Low Oil Price Environment*, April 24, 2015, CLE presented with Larry Prescott, Ronnie Guajardo and Dan Watson.
- *The Oil Price Plunge – What Counsel Needs to Know*, March 26, 2015, CLE presented with Larry Prescott, Guy Brasseur and Dan Watson.
- *Fraud Detection*, May 1, 2009, Oil and Gas Investor, co-authored with David Eliff.

SELECTED SUMMARIES OF ENGAGEMENT EXPERIENCE

Financial, Economic and Valuation Analysis:

Real Estate

- Provided valuation and damages analysis, deposition and trial testimony in connection with the termination of a lease by the anchor tenant, a national grocery store retailer, in a high-end suburban retail shopping center. Analysis quantified plaintiff's damages based on factors including diminished value of property under various alternative tenant lease scenarios, alternative capitalization rates based on tenant's creditworthiness, various absorption rates and net rentable square footage assumptions, lease rates, and alternative development costs.
- Provided valuation and damages analysis, deposition and trial testimony in connection with the dissolution of a commercial real estate development and management partnership, based on the minority partner's claims of breach of contract, breach of fiduciary duties, and other causes of action. Work performed included the determination of the fair value of the partnerships' carried profit interests in nine joint-venture projects related to cargo warehouses and related office space. Fair value was determined through an analysis of the company's internally developed financial models and subsequent project appraisals. Additional damages were based on the expected value of continuing development and management fees.
- Provided expert report and arbitration testimony related to a dispute between a commercial real estate developer and a publicly traded REIT regarding an alleged breach of contract for the development of a first class, 1,000 room, multi-story convention-oriented hotel, and related improvements. Work performed included valuation analysis based on income approach using hotel revenue projections and the related tax incentives and abatements to be provided by state and municipalities, and the analysis of financing options available given general market conditions and specific industry economics.
- Provided expert report and deposition testimony in connection with an alleged breach of contract between a landowner and a wholly owned subsidiary of an international publicly traded oilfield services company. The plaintiff alleged that defendant failed to comply with an agreement between the parties for defendant to remediate environmental contamination existing at the time of defendant's acquisition of company leasing facilities from plaintiff. Analysis and opinions address the reasonableness of relying upon representations, correspondence with state regulatory agencies, and the recording of an accrued liability as a pre-acquisition contingency in accordance with generally accepted accounting principles. Additional analysis and opinions include identifying and interpreting other relevant accounting standards regarding contingencies.
- Provided expert report and testimony in connection with a commercial real estate development venture in which the anchor tenant, a leading home improvement store, terminated its agreement in a high-end suburban community shopping center. Work performed included the analysis of various budgets based on different development scenarios, including net rentable square footage, lease rates, cap rates, and discount rates in various timeframes under deteriorating market conditions.

- Prepared expert report and provided trial testimony in connection with the analysis of the damage claims of a real estate developer in a lender liability lawsuit. Work included the review and critique of the borrower's historical and projected financial performance, and an analysis of the sources and uses of cash.
- Provided valuation analysis, expert reports, and testimony on behalf of an estate with interests in a family real estate enterprise. The enterprise comprised fourteen companies with holdings in golf courses, residential community lots, undeveloped acreage, and investments in public and private companies. Work included the determination of the fair value of each company, primarily using a net asset approach to value. Incorporated the findings of another forensic expert on specific issues of fraud, self-dealing, and improper inter-company accounting.
- Prepared expert report and provided expert testimony in connection with a claim for lost profits in a dispute between a redeveloper of a large-scale downtown commercial office building and a major international financial institution regarding an alleged breach of an oral agreement to provide additional financing. The work performed included valuation analysis under various rental rates, tenant improvement allowance, and absorption assumptions, an analysis of funding needs for tenant improvement allowances, leasing commission costs, overall central business district demand for office space, and the review and critique of retrospective appraisals under different scenarios.
- Analyzed financial benefits of various ownership structures of multiple real estate limited partnerships holding residential and commercial real estate for sale and development. Work included valuation analysis of partnerships, federal and state franchise tax planning techniques, management fees, and profit splits by partners.
- Analyzed the feasibility of multiple proposed commercial real estate projects in connection with a dispute between the developer and its joint venture partner. Work included valuation of the projects based on various hypothetical financial structures, lease term scenarios, inflation and ancillary income and cost assumptions.
- Investigated allegedly fraudulent transactions between a trustee/general partner and related entities in a group of beneficiaries and limited partners related to trusts and partnerships with extensive real estate holdings and oil and gas interests in various states.

Refining and Petrochemical

- Provided expert report, arbitration, deposition and trial testimony in connection with the interpretation of US and Republic of China accounting standards related to disclosure of gain and loss contingencies in a pricing dispute between a leading US producer of styrene monomer and a related company in the Republic of China. Work performed included analysis of damages, evaluation of economic motivation for alleged financial misrepresentations related to various acquisitions and divestitures in the petrochemical industry.
- Provided expert testimony in deposition and during arbitration hearing in connection with a series of disputes between one of the world's largest petrochemical companies and a joint venture regarding a world-scale propylene oxide and styrene monomer petrochemical manufacturing facility. Analysis included a fair market value expert opinion of a limited partnership interest in the entity owning the plant and related offtake agreement. Valuation analysis included consideration of the income, market, and cost approaches in conformance with authoritative valuation standards, and preparation of detailed cash flow projections based on global market conditions affecting the value of styrene monomer.
- Provided expert report and deposition testimony in connection with a claim regarding an alleged dishonest employee between an insurance company and an independent refiner and marketer of petroleum products, operating several refineries in the United States. Performed a detailed forensic accounting analysis of fuel sold to a customer on credit, the

refiner's credit policies and procedures, and an analysis regarding the roles and responsibilities of company management and its outside auditors based on applicable generally accepted auditing standards and the Sarbanes- Oxley Act of 2002.

- Provided expert report and deposition testimony in connection with alleged tortious interference and business disparagement claims made by a catalytic converter dealer in the automotive recycling industry. Plaintiffs claimed loss contracts, lost business opportunities, and the loss of a credit facility which was allegedly intended to be used for Plaintiff to construct and operate his own smelter. Analysis included a review of smelting operations around the world to determine the feasibility and likelihood of such a scenario, and a review of Plaintiffs' business records to determine if documentation existed in support of Plaintiffs' claims.
- Provided expert report and trial testimony in connection with a breach of contract dispute involving contractual provisions of a stock purchase agreement for an engineering firm serving the petrochemical and refinery industry. The assignment required a forensic accounting analysis of the company's financial and operational information provided during and subsequent to the purchase date. Work performed included identifying departures of generally accepted accounting principles in the company's financial information; the proper application of market multiples for valuation purposes; and a forensic analysis of payments made by the acquiring entity.
- Prepared projections of sales and incremental costs in connection with the alleged misappropriation of trade secrets and highly confidential information of a publicly traded company engaged in the design, engineering, procurement and supply of platformer and reboiler furnaces used in major oil refineries. Damages were determined based on the quantification of lost profits and the value loss of market share, lost clients, and loss of business goodwill, as well as a consideration of a reasonable royalty and the value of proprietary methodologies for estimating, bidding, costing, and pricing.
- Analyzed the value of increased capacity and cost savings associated with the use of a utility patent in the manufacture of acetic acid, used to make household fabrics, laundry detergent and other everyday items. The petrochemical facility had an annual acetic acid production capacity of over 500,000 tons. Work performed included the quantification of increased capacity and related sales, cost savings, and impact on product value attributable to the patent.

Oil & Gas

- Provided expert report and arbitration testimony in connection with a dispute between working interest owners and the operator involved the development of oil and gas properties located in the San Joaquin Basin, California. Work included the valuation of certain working interests related to different reservoirs with different risk profiles, the assessment of lost production of certain producing wells, and the reasonableness of drilling and completion and re-completion costs associated with certain contested oil and gas wells.
- Provided expert damages report, deposition and trial testimony, in connection with an alleged breach of fiduciary duty by a director of a closely held entity with over \$1.5 billion in annual revenue. Damages were related to lost investment opportunity, lost profits, higher financing costs due to a lost credit facility, and decreased value in an ownership interest of a public company. Analysis included review of projections for lost investment opportunities and use of the discounted cash flow method and comparable transactions method to value a natural gas storage facility.
- Provided three expert reports and deposition and trial testimony in connection with a dispute between two upstream working interest owners operating three deep water wells in the Mississippi Canyon of the Gulf of Mexico. Work included the review of four two-year joint interest expense audits to determine whether the audit procedures followed the

proper methodology consistent with the Joint Operating Agreement and COPAS, and whether the audit exceptions identified were accurate. The assignment also required a review of the economic costs and benefits associated with using drilling rigs instead of an intervention vessel to plug and abandon the three deep water wells. Additional analysis included a critique of the opposing expert report.

- Prepared expert report and provided deposition testimony related to the calculation of economic benefits to the owners of an offshore production facility pursuant to the False Claims Act, 31 U.S.C. § 3729(a)(1) and to an incident of noncompliance determined by the Bureau of Ocean Energy Management, Regulation and Enforcement. The production facility operates in a five-block field within the deep waters of the Gulf of Mexico that has been leased from the United States Government since the mid-1990s. Work performed included an analysis of historical hydrocarbon production reported to the Government for royalty purposes; an analysis of historical costs consisting of lease payments, royalty production payments, and capital additions; an analysis of annual volumes summarized by resource and reserve category; and a replication of the operator's standardized measure of discounted future net cash flows relating to proved oil and gas reserves.
- Provided damage analysis, expert reports, and deposition testimony in connection with the redemption of an ownership interest in an independent exploration and production company operating in the Barnett Shale of North Texas. The company operator allegedly induced the other interests to redeem ownership at below market value. Work performed included the analysis of the asset valuation that was the basis for the redemption, as well as analyzing comparable sales proximate to the redemption. Additional analysis included developing valuations for producing assets, undeveloped acreage, and various midstream assets at various timeframes under rapidly changing market conditions.
- Provided expert testimony on the subject of alleged economic damages resulting from a lost business opportunity in the oil field service industry expected to operate in the west Texas geographic area. Work performed involved the critique of a business valuation and lost business opportunity analysis performed by opposing expert, including its compliance with generally accepted valuation standards.
- Provided expert deposition testimony regarding the availability and feasibility of obtaining financing for the development of a collection of shallow water Gulf of Mexico oil and gas lease assets. Determined, with reasonable certainty, that the likely future rates of returns expected from developing such lease properties consistently exceeded the typical investor hurdle rate in a variety of forward price scenarios. Validated and replicated the economic and financial analysis and methodology of other third-party analysts regarding the financial valuation of the development of these lease properties. Work performed included analyzing comparable acquisitions and investments proximate to and following the initial funding of the lease asset development.
- Prepared valuation analysis and expert report in connection with an alleged breach of fiduciary duty claim involving multi-million dollar losses from hedging oil and gas production with collar and swap derivatives. The claim also involved a shareholder dispute involving the alleged failure to disclose subsequent gains realized in oil and gas holdings by the remaining officers/shareholders after induced liquidations of shareholder convertible and redeemable preferred stock of non-officer/shareholders. Work performed included quantification of post-liquidation gains realized by the officers, valuation of losses resulting from the use of collar and swap energy derivative instruments as compared to using long put options, analysis of exposure to price and volume risk, review of market premiums and extensive Black-Sholes option modeling.
- Provided expert report in connection with an alleged breach of contract by a manufacturer and supplier of blowout preventers and valve-gates. The equipment was warranted to meet API specifications and DNV certification but did not meet such standards upon review by a third party. Damages related to the amounts paid for the defective equipment,

which totaled in excess of \$14 million, and associated interest, moving, and storage costs.

- Provided expert testimony refuting a claim of lost profits arising from potential hedging of natural gas production sales as part of a contemplated debt financing. In Claimant's scenario, the enterprise would have hedged natural gas price risk by means of forward fixed price sales of physical natural gas or swaps that would have extended over a multi-year period. Analysis and opinions addressed the plausibility of the claimed economic damages in the context of actual forward market conditions at the time the alleged damages occurred. Further analysis and opinions revealed the disguising by the claimant of the cost of unwinding underwater positions associated with existing forward physical natural gas sales. Analysis showed that claimant generated cash or credit by selling gas based on the lower of the first of the month or the monthly average indices, at the option of the buyer. Opinions offered that these imbedded 'lower of' options, as well as additional forward fixed price sales, were in violation of a temporary restraining order.
- Provided financial advisory services for an offshore drilling contractor, including financial and valuation analysis regarding the feasibility of various settlement scenarios given the Company's declining revenue, increasing leverage, and potential credit rating downgrade in the post-Macondo regulatory environment. Work included analysis of the historical results, internal corporate forecasts, as well as current and anticipated economic conditions.
- Provided damages analysis, expert report, and deposition testimony in connection with a dispute over the termination of a multi-year land-based drilling rig contract. Work included an analysis of liquidated damages, which allow the plaintiff to recover its daily fee under the contract, and un-liquidated damages, which consider any avoidable expenses of the contractor during the rig's idle period.
- Provided expert report and deposition testimony regarding the economic damages from a blowout of a frac-stack wellhead on a drill site. Work performed involved the analysis of incurred expenses related to the defective wellhead, including stabilization and repair costs to the well and the cost to replace the defective wellhead, and associated capital cost.

Terminaling Services

- Provided expert report and deposition testimony in connection with a dispute between a rail services company, against to a midstream energy public-trade company. Analyzed the operational fees, completion fee and success fee of the an Operation and Management agreement, in addition the projection of crude oil volumes upload from the rail through the terminal and determined the discount rate proper used in the damage calculation. Also evaluated the outlook of the transportation of crude oil by rail and its routes compering with the pipeline roads, the crude oil importation and exportation, the plants infrastructure requirements, the economic impact of short line railroads, as well as the Bakken, Niobrara, Persian regions capacity actual and projected, impacting parties. Additional analysis included a critique of opposing expert's interest calculations.
- Provided expert report, damages analysis, and deposition testimony in connection with a dispute between the world's largest independent tank storage provider and a leading ethanol trading, marketing and distribution business. Work included the calculation of alleged economic damages in accordance with a terminaling services agreement and the terminal's ability to accept unit trains. Alleged damages included lost profits and out-of-pocket costs. The assignment required an analysis and opinion regarding the commercially reasonable and timely actions taken to mitigate damages. Additional analysis included a critique of opposing experts' alleged damages and mitigation opinions.
- Provided expert report in connection with a breach of contract claim and product liability dispute between a terminal railroad and a locomotive manufacturer related to three

locomotives sold to the terminal. The terminal railroad complained about the functional performance of the three locomotives purchased from the manufacturer and sought rescission of the purchase and sale contract. Prepared detailed economic analysis based on monthly revenue and expenses showing that the locomotives, assuming the alleged impaired performance, provided economic benefits to the terminal railroad. Prepared locomotive operational analysis on a *car-by-car* and *locomotive-by-locomotive* basis using inspection reports, time records, and Automatic Equipment Identification (AEI) data to quantify the daily use made of the locomotives. Prepared critique of terminal railroad's valuation methodology in quantifying alleged damages.

- Provided expert report and analysis in response to an ownership dilution claim made by a shareholder of an independent provider of transportation, terminaling and storage, marketing, and logistics management services for hydrocarbon by-products. The entity issued additional shares of stock under an employee stock ownership plan and a long-term incentive plan. Analysis prepared addressed the increase in value of the shareholder's holdings over time and the benefits to the company and its shareholders in establishing the ESOP and long-term incentive plans. Analysis also included a critique of opposing expert's valuation methodology in determining alleged damages.
- Provided expert report and analysis in response to a suit for damages based on claims of tortious interference and fraud by a terminaling and trans-loading operation against a railroad and trucking company. Assignment included a critique of plaintiff's retained damages expert's report, identifying unsupported assumptions and errors in methodology.

Power Generation

- Provided expert arbitration and deposition testimony and related state court litigation in connection with alleged improper financial reporting related to an off-balance sheet special purpose entity ("SPE") investment by a publicly traded energy company. Analysis included a detailed review of the flow of funds and effective control involving a series of companies holding the ownership interest in an electrical power plant supplying one of the largest electric cooperatives in the United States. The consolidation analysis included assessing the cash flows, profitability, and the relative risks and rewards provided to the various participants in the transaction in light of financing guarantees, a total return swap and a call option. Work performed in multi-stage litigation and FERC proceedings included valuation of the power purchase agreement, a fair market valuation of the power plant, solvency analysis, and assessment of various acquisition and disposition options based on historical financial performance of plant and holding entities and financial modeling to assess provisions to cure an alleged breach of contract.
- Prepared expert reports for rate base proceeding in connection with an allegation of gross mismanagement of a 630-megawatt integrated gasification combined cycle power plant. Work included the analysis of thousands of documents supporting the planning, design, engineering and construction of the new power plant. Analysis was also performed on the change in budgeted line items due to the cost implications associated with changes in project scope, design, and schedule throughout the development of the new power plant.
- Provided expert report and damages analysis in connection with a dispute involving ownership of a turbine costing more than \$7 million. Work included the calculation of potential measures of economic damages, assuming opposing ownership claims are invalid, consisting of diminished value of the turbine, inability to sell other turbines, holding costs, and prejudgment interest.

Manufacturing

- Provided expert report and deposition testimony in connection with a dispute between a New York-based steel pipe trader, a Korean manufacture and a Houston-based steel pipe supplier to the oil and gas industry. Work included the forensic analysis of purchase orders, inventory, shipment documents, stock management fees, sale and re-sale

invoices, and property taxes. The engagement required an analysis of the accounting records and the consignment agreement between the parties to determine whether consignment accounting treatment was appropriate.

- Provided expert report, damages analysis, and deposition and trial testimony for the buyer of an allegedly defective \$40 million luxury aircraft. Work included an analysis of the expected cost to correct defective components of the aircraft's interior, lost charter revenue related to the aircraft's sub-standard condition, stigma, and lost profits from the termination of a sales opportunity.
- Engaged as testifying expert and prepared expert report regarding damages related to a breach of contract claim between a U.S. Department of Defense contractor and subcontractor regarding helicopters manufactured for a foreign government.
- Provided expert testimony in connection with a claimed breach of contract to supply 10,000 metric tons of cold rolled coil steel by an international U.K.-based steel trader to a Mexican steel trader. Performed forensic analysis of purchase orders and letter of credits related to the trade at issue and assessed the market value of cold rolled coil steel in the relevant period. Prepared an evaluation and critique of other claimed damage amounts such as cancelled orders and claimed loss of prospective trading opportunities. The analysis included: a determination of relevant shipping, wharf age, taxes, and other miscellaneous costs in the U.S. and Mexico; a determination of the steel specifications to ensure comparability; and, an analytical comparison of the terms and conditions mentioned in the purchase order and accompanying letters of credit.
- Provided valuation analysis and expert report in connection with a post-acquisition dispute between two major manufacturers of kitchen counter solid surfaces. Work performed included analysis and critique of valuation opinions, before and after the asset purchase agreement, based on appropriate business valuation methodologies.
- Provided expert opinion regarding analysis of projected cost savings and reduction in selling, general & administrative ("SG&A") expenses, overhead, and other synergies achieved in a post-acquisition dispute between a leading publicly traded industrial valve conglomerate and a manufacturer of industrial components. Analysis included assessment of target post acquisition cost savings and synergies achieved based on worldwide plant closures and labor consolidations.
- Prepared a detailed analysis quantifying the damages resulting from the use of an allegedly defective resin in the manufacture of a plastic product. Analysis included the consideration of additional costs and lost profits associated with disruptions in the manufacturing process, lost sales and impairment of goodwill.

Software

- Provided two expert reports and trial testimony in connection with a failed software implementation dispute between a television and internet seller of jewelry and a software company. Work included opining on the damages suffered by the jewelry seller as a result of a failed software implementation. The assignment required determination of the jewelry seller's out of pocket costs associated with the failed software implementation. The assignment also required determination of internal labor costs to ameliorate the damage from the failed software implementation. Work also included determination of lost profits resulting from delays in obtaining various different functionalities as a result of the failed software implementation.
- Provided expert report in connection with damages resulting from the alleged fraud, misrepresentations, and breach of contract from the failure of a software vendor to properly integrate a customer relationship management (CRM) system for a \$2.5 billion revenue provider of integrated enterprise communication services. Valuation analysis included projected sales revenue and related costs savings lost from the failure to complete the implementation. Determined other additional hardware and software license

fees and out-of-pocket costs associated with the failed implementation.

- Prepared valuation analysis, damage computation and expert report regarding a contemplated acquisition of a network equipment company by a publicly traded internet and communications service provider, and a claim of breach of contract after the acquisition failed to be consummated.
- Provided expert report, supplemental rebuttal report and trial testimony in connection with a third party's failure to timely convert its promissory notes purchased from a software company that provides pharmacy benefits management services. Work included an historical analysis of the company's financial performance before the maturity date, a review of related party transactions, and calculations of the company's implied equity value considering various approaches and necessary discounts based on generally accepted valuation methodology.

Agri Business

- Provided expert report, deposition and trial testimony in connection an alleged breach of contract involving the purchase of several hundred full-blood Japanese cattle with restrictions as to breeding and sales to third parties. Analysis included a fair market valuation of the purchased cattle considering the income, market and cost approaches, as well as determining the costs of maintenance and care of the cattle and their offspring. Work also included the consideration of bulk discounts that are generally available for large herds of self-reproducing cattle.
- Engaged as the testifying expert and provided expert analysis of financial information related to a dispute between a publicly traded international agricultural products company and a former CEO regarding the ownership of a foreign subsidiary.

Healthcare

- Provided expert report and trial testimony in connection with an acquisition of a rural hospital and the alleged misrepresentations by its prior owner. Work performed included an analysis of the hospital's accounting records for the post-acquisition periods, including number of admitted patients, payor mix, and bad debt expenses, and its comparison to the historical and projected financial statements provided by the prior owner. Accumyn also analyzed the additional out-of-pocket costs from the hospital's fixed asset schedules to determine the costs of implementing EHR technology. Additional work performed included the calculation of available federal government incentive payments from attesting to EHR technology.
- Prepared expert report and deposition testimony valuing the damages in connection with an alleged breach of contract and tortious interference claim between a major radiology practice and one of its contracted physicians regarding the provision of services to a third-party hospital. Analyzed historical financial results in connection with the hospital services contract and determined appropriate valuation matrix based on a review of guideline professional practices, clinics and medical facilities.
- Provided expert forensic accounting analysis and funds tracing for a magnetic resonance imaging (MRI) business with two locations and a management company in connection with the single business enterprise theory to pierce the corporate veil for liability purposes. Work included a comprehensive analysis of each entity's books and records, including historical transactions, fixed asset schedules, personal property tax renditions, and income tax returns. Additional analysis included identifying factors such as common ownership, common management, common employees, common record-keeping, centralized accounting, paying expenses for one another, and sharing expenses.
- Provided expert analysis of financial information regarding the losses suffered by a former shareholder/employee of a major optometry practice resulting from mismanagement of the practice by a nationwide consolidator of medical practices. Work included assisting in the

buy-back negotiations resulting from the failure of the roll-up transaction and assistance in the related bankruptcy proceeding.

- Analyzed the retroactive tax impact resulting from forced conversions of stock options provided to a group of employees of a leading publicly traded medical device company. Work included the review of IRC provisions for qualified stock options and an evaluation of overall company stock option plan provisions in light of federal tax rules and standard industry practices.
- Analyzed damages, prepared expert report, and provided expert deposition testimony in connection with a breach of a non-compete agreement and tortious interference with a professional services agreement relating to a radiology clinic practice. Work performed included analysis of lost revenues under the lost contract, as well as the use of comparative analysis, to determine the appropriate value for the stream of lost revenues.
- Provided expert report and financial analysis related to a dispute between a developer of medical facilities and a large group of physicians regarding an alleged breach of contract for the development of a major diagnostic clinic facility. Work performed included analysis of lost profits and construction delay.

Employment

- Provided expert report, deposition and trial testimony in connection an alleged wrongful termination of a marketing executive in the hospitality industry. Analysis included rebutting opposing expert's multiple versions of alleged lost wages and fringe benefits, as well as identifying numerous errors and inaccuracies in each set of calculations. Additional analysis included addressing the basis for projecting compensation over the remaining work life.
- Provided forensic accounting analysis and expert report in connection with an employee fraud and theft claim made by a global producer of cosmetics against one of its former employees. Performed a forensic analysis of the economic benefits reported by the employee's undisclosed affiliated company doing business with the employer during time of employment. Determined excessive amounts paid by employer to employee's company in the form of over billing and excessive markups.
- Provided deposition, expert report, and trial testimony, regarding claim for projected lost earnings resulting from the alleged wrongful termination by a medical college of a tenured faculty member. Computation included the projection of earnings and benefits over the remaining work life of the physician in both the United States and in Europe, including an assessment of the tax implications in both regions. The analysis considered multiple currencies and related exchange rates, as well as the relevant cost of living in the two regions.
- Provided expert deposition testimony and prepared expert report and analysis of financial information on behalf a publicly traded real estate investment trust related to a dispute with the company's former Chairman and CEO. Valuation analysis and forensic accounting was performed in determining whether or not any amounts were owed by the REIT under a contractual performance fee based, in part, on the appreciation in value of the REIT's properties (primarily office buildings and warehouses). Also prepared critique and analysis of other expert's opinions regarding valuation analysis and lost profit calculations.
- Prepared analysis and expert report regarding claim for projected lost income including wages and fringe benefits resulting from the alleged wrongful termination of a corporate jet aircraft pilot. Computation included the determination of the appropriate basis for projecting wage increases over the remaining work life of the pilot.
- Engaged as the testifying expert and prepared expert report and analysis of financial information on behalf a publicly traded energy company related to a dispute with the

company's former CEO. The CEO claimed entitlement to additional company stock; the company alleged breach of fiduciary duty and fraud and sought disgorgement of amounts paid to the CEO. Valuation analysis presented in the expert report quantified the value of the stock options granted to the CEO over a five year period and critiqued the CEO's interpretation of the bonus provisions of his employment contract.

- Prepared expert report on behalf of defendant employer in connections with litigation brought by a former executive employee claiming damages in the form of lost wages and lost fringe benefits. The plaintiff employee claimed the employer had slandered the employee, preventing future employment. Expert report analyzed employment conditions in the relevant industry and provided critique of plaintiff's expert report.

Financial and Professional Services

- Provided three expert reports and deposition testimony in connection with a dispute between a high-end credit card company that provides co-branded marketing services and a global payment processing company. Work included opining on the damages suffered by the credit card company based on claims that the payment processing company breached its contractual and common-law obligations and interfered with the credit card company's business operations. The assignment required determination of the credit card company's lost profits. This analysis involved offsetting the credit card company's expected program revenues by expected incremental program acquisition and variable carrying costs. Work also included determination of the credit card company's out-of-pocket costs, extra-expenses, and internal labor costs incurred as a result of the by payment processing company's actions. Additional analysis included a critique of opposing experts' damage calculations.
- Provided expert report and testimony in deposition and at trial in connection with certain issues related to an SEC Regulation S offering ("Reg. S") and sale of 1.5 million shares of stock for a discount retailer. Analysis included a review and summary of the historical operating and financial performance of the subject company and its industry, a comparison of the company's actual operations to public financial disclosures subsequent to the offering, quantification of the company's share price volatility, and the effect of certain assumptions on the value of the Reg. S shares.
- Quantified economic damages to a municipal defined benefit pension plan, prepared expert report and provided expert testimony regarding alleged breach of fiduciary duty by a major Wall Street asset manager. The assignment required forensic accounting, economic analysis, and the application of valuation procedures. Work included analysis of the liquidity and risk characteristics of a portfolio containing over 400 securities during the timeframe encompassing the collapse of the sub-prime residential mortgage-backed securities market. Trading information required for the analysis was contained in over 1,200 spreadsheets and databases. Accumyn developed customized software to efficiently extract and analyze the specific data needed to identify trades across multiple funds by dates, issuances, types and ratings.
- Prepared expert reports and provided deposition testimony related to a loss claimed by a broker in connection with new IRS regulations for IRC Section 403(b) retirement accounts. Work performed included an analysis to address the plausibility of the claimed damages in light of larger, more dominant competitors present in the 403(b) market; the impact of new IRS regulations on custodians, such as more stringent record-keeping and reporting requirements; and the failure to rule out other causes of decline in business.
- Provided expert testimony in an NASD arbitration hearing in connection with the losses and benefits associated with various tax-driven investment options. Analysis included the projection of earnings and determination of an appropriate discount rate to compute the net present value under various timing and tax rate assumptions. Work also included the review of various underlying facts in the matter related to the alleged liability of the defendant.

- Provided expert testimony regarding the use of off-balance sheet accounting by a major publicly traded bank in a dispute between the bank and one of the world's largest energy companies. The two companies had entered into a co-branding agreement for the marketing of bank credit cards. Analysis centered on securitization, the financial and economic implications of sales accounting under FAS 140 used by the bank in selling credit card receivables to a special purpose entity ("SPE"), and the permissibility of the bank to subsequently sell the co-branded credit card portfolio to a competitor bank.
- Engaged as the testifying expert and provided expert analysis of financial information related to a dispute between an on-line financial services company and an investment banker regarding equity and debt financing contractual provisions.
- Developed various valuation models to quantify investment basis, trading profits and losses, commissions and expenses, and the overall return on investment in a matter alleging fraud, breach of fiduciary duty, and professional malpractice in connection with a foreign currency trading firm with over 800 investors. The valuation models allowed the various investors to be categorized related to criteria necessary for class-action status. Work also included funds tracing and analysis of over twenty bank accounts to analyze issues regarding kiting and embezzlement.
- Provided expert report in connection with the forensic accounting and funds tracing analysis performed pursuant to allegations of improper payments over a ten-year period to two attorneys, allegedly providing investment and cash management services, to a high net-worth individual. Analysis included a comprehensive review and compilation of historical cash transactions out of the individual's tax-free annuity account and into bank accounts controlled by the attorneys. Work performed included the review of bank statements, check registers, deposit slips, cancelled checks, general ledgers, journal entries, and tax returns for various entities established by the attorneys. Damages included the calculation of prejudgment interest using the Texas Finance Code and the present value of future payments necessary to preserve assets potentially available for recovery of damages.
- Provided expert analysis of accounting issues in connection with alleged breaches of fiduciary duty on the part of the outside board of directors and accounting officers of one of the world's former leading energy companies. Work included assisting counsel in preparation for Congressional hearings and analysis of complex accounting and financial statement disclosures related to mark- to-market accounting, special purpose entities ("SPEs"), off-balance sheet financing, FAS 125 and 140 asset securitizations, pre-pay transactions, asset impairments, and use of complex derivatives in the wholesale and retail energy services and broadband divisions.
- Provided expert opinion to Lender's Counsel in recovering amount due under provision of the credit facility agreement with a public Financial Institution engaged in the origination and servicing of residential mortgages in the United States. Financial Institution was experiencing difficulties in 2007 due to the market downturn related to subprime mortgages. Financial Institution was acquired by a private equity company based in Texas which specialized in investing in distressed companies. A provision in the credit facility agreement between Lender and Financial Institution provided that the debt should have been paid off if the credit rating of Financial Institution would have fallen more than one "notch". Assisted the client during mediation in preparing various scenarios of the liquidation plan, reviewing and analyzing the opposing party's liquidation plan, researching and identifying key documents showing management misrepresentation intended to prevent the credit rating downgrade, and preparing demonstratives and analysis.
- Provided expert report regarding the alleged negligence of a Tax Accountant and his firm for failing to timely file an Estate's Form 706 Tax Return, and the automatic 6-month extension (Form 4768), resulting in an assessment of penalties and interest by the IRS.

Analysis included the recalculation of the IRS' assessed Failure to File and Failure to Pay penalties, including interest, with an appropriate credit for tax deductions reported by the Estate on Form 706. Additional analysis included a "but-for" calculation of the IRS assessment assuming the Accountant had properly notified the Estate's trustee of the late filing. Work also included the identification of various rules violated by the Accountant, including the rules of professional conduct issued by the Texas State Board of Public Accountancy and professional tax standards issued by the American Institute of Certified Public Accountants.

- Analyzed the impact of allegedly negligent professional tax advice provided by a Big Four accounting firm to a large international travel agency consortium with respect to a complex tax restructuring transaction. Work included analysis of the impact on debt coverage ratios and violation of lender covenants, rationale for subsequent qualified audit opinions, analysis of balance sheet contra-asset accounts, and the alleged effect on the terms of the sale of the agencies located in the US and Europe, to a leading publicly traded provider of travel services.
- Reviewed the damage claims of an offshore work boat company related to allegations of improper tax accounting advice. Analysis included the financial and historical performance of the work boat company, as well as various economic and industry factors affecting its performance. The analysis also included a review of the financial impact resulting from the tax advisory services at issue and a sensitivity analysis of the hypothetical impact of various other tax positions.
- Analyzed the separate income and expenses of a high net worth individual over a ten-year period using joint tax returns and personal financial statements. Prepared various financial models based on assumptions related to interest rates, investment yields and anticipated expenses.

Start-Up Bio Pharmaceutical

- Provided valuation analysis and arbitration testimony in connection with a development stage biopharmaceutical company. Work performed included analysis of equity value after conversion of preferred shares into common shares, and computation of gains from ownership of common shares based on different scenarios, including merger or sale, initial public offering, liquidation and discount rates at various timeframes.

Start-Up High-Fashion

- Provided expert report and testimony regarding the value of a high-fashion start-up in a dispute between the original designer and her partners who had provided valuable advice and start-up investment funds, but were subsequently cut out of the venture by the designer. On behalf of the partners, and presuming the venture had gone forward as intended, valued the company using a Fair Value standard of value, the amount that compensates an owner involuntarily deprived of property.

Construction

- Provided expert report, deposition, and trial testimony related to a dispute between a developer of large-scale Class-A residential apartment projects and a subcontractor regarding a construction delay claim and breach of contract for the development of a major 600-unit apartment project. The work performed included quantification of critical path delays, valuation analysis based on the income approach, lost profit analysis based on a delay of apartment rentals and different absorption rates, material and labor cost escalations, unabsorbed home office overhead, and remediation expenses.
- Analyzed damages and provided expert deposition testimony in connection with a claim for lost profits resulting from a breach of contract between a major international chemical manufacturer and a construction company on a project related to agreed-upon piping and mechanical work. Work performed included analysis of the construction company's

overall financial condition before, during and after the project.

- Provided analysis of economic damages and provided expert deposition testimony in connection with an alleged breach of a long-term commercial lease between a prominent pediatric hospital and its landlord pertaining to a delay in the construction of a suburban outpatient clinic. Work performed included the analysis of additional construction costs resulting from project interruption, lost profits resulting from a delay in completing a new diagnostic imaging facility, and economic damages associated with the lost use of exterior signage and uncharged rent of office space not utilized during the period of delay.
- Provided valuation analysis, expert reports, and trial testimony in connection with a commercial real estate development venture in which the anchor tenant, a leading grocery store, terminated its lease in a high-end suburban community shopping center. Work performed included the analysis of various budgets based on different development scenarios, including net rentable square footage, lease rates, cap rates, and discount rates in various timeframes under deteriorating market conditions.

Consumer Products

- Provided expert report, deposition, and trial testimony in connection with the determination of damages, including investments, expenditures, commitments, and lost profits that resulted from the termination of an exclusive agreement to distribute medical diagnostic products in Spain and Portugal.
- Provided damages analysis, expert report, and testimony in connection with an alleged fraudulent inducement and breach of contract matter between a manufacturer of portable, over the counter, electronic medical devices and a French-based European distributor. Work performed included a forensic audit of international sales data, analysis of out of pocket costs relating to marketing attempts in Central and Eastern European countries, calculation of economic damages from original distribution agreement and of lost commissions under prevailing agreements.
- Provided valuation analysis, expert reports, and testimony in connection with post-acquisition dispute involving two of the world's leading health and fitness club operators. Work performed included valuation of acquired assets, quantification of the effect of seller's misrepresentation on the acquisition price, forensic analysis of damages from failure to implement customer information and membership management software at club locations nationwide, analysis of losses from prohibited sales and promotional activities in time period leading up to the acquisition, and critique of other valuation expert reports.
- Prepared expert report regarding the remediation losses experienced by a large municipal entity resulting from defective polybutylene water pipe installed in over 25,000 locations in Texas. Analysis included the determination of excess repairs and related repair costs resulting from underground water pipe failures for approximately ten years. The repair costs were prepared based on a detailed review of all procedures, personnel, and equipment required to perform a repair with reference to standard costs in the industry, and actual cost data available in this matter.

Environment and Waste Management

- Provided expert report and deposition testimony in connection with a dispute involving alleged defamation, tortious interference with contract, and business disparagement between two competing solid waste management operations in Texas. Analyzed profitability and incremental costs associated with waste management activities.
- Provided expert report and deposition testimony in connection with the valuation of 100% equity interest of a closely held business operating in the industrial waste and secondary chemical market industries. Work also included forensic accounting analysis of partner expenses over a six-year period in accordance with the recordkeeping requirements of the Internal Revenue Service. The business valuation's premise and standard of values

of going concern and fair value were in accordance with requirements for minority oppression claims in Texas.

- Engaged as the testifying expert in certain environmental contamination matters. Work included the critique of the valuation and analysis of opposing experts, identification of the methodology employed, required assumptions, basis for conclusions, and alternative approaches.
- Analyzed damages, prepared expert report, and provided expert deposition testimony in connection with a breach of a preferred stock subscription agreement related to a series of large- scale corporate mergers and acquisitions contemplated by several public companies in the waste and water industries. Work performed included analysis of additional expenditures, lost profits and effect of dilution on stock prices.
- Prepared expert report regarding a claim for breach of contract and lost profits between a major international chemical manufacturer and an oil tank recovery company. The claim related to a contract for the recovery of crude from idle tanks.
- Analyzed the contractual provisions of a stock purchase agreement related to a breach of contract lawsuit. Work performed included the review of minimum working capital provisions, excess costs incurred related to an RCRA Part B permit and unreserved liabilities. Analyzed related post acquisition transactions between the buyer and seller which supported a claim of fraud and price manipulation.

Intellectual Property/Antitrust:

- Engaged as testifying expert and prepared expert report in connection with alleged theft of trade secrets between two dental supply industry participants. Plaintiff alleged that a former employee hired by defendant brought files claimed to contain trade secrets including customer lists, products purchased by customers, and pricing and discount configurations. Expert report addressed analysis and quantification of reasonable royalty under the Texas Uniform Trade Secrets Act and precedent case law. Analysis included review and rebuttal of plaintiff's expert's unjust enrichment claim.
- Engaged as testifying expert, prepared expert analysis and report in a dispute involving alleged theft of trade secrets related to technology used in the plugging and abandonment of offshore oil and gas wells. The alleged trade secret used energetics (explosives) to perforate tubing and casing to create a void space for subsequent plugging into the surrounding formation. The use of energetics resulted in significant cost savings by eliminating the need for a drilling rig to perform plugging and abandonment. Determined reasonable royalty based on present value of cost savings over a projected 10-year period for wells operated by defendant in the North Sea, North America and Rest of World under Texas Uniform Trade Secrets Act and precedent case law. Determined present value of defendant's unjust enrichment based upon defendant's target return and savings derived from using the allegedly misappropriated trade secret.
- Provided expert report, deposition, and trial testimony in connection with an alleged theft of trade secrets between two manufacturers of multi-frac toe valves used in wellbores. Work performed included disgorgement analysis of defendant's alleged unlawful profits based on a three-year look back period that analyzed sales patterns by customers' accounts for plaintiff and defendant. A lost profits analysis was also performed as an alternative measure of economic damages, which included an evaluation of the competing tools in the marketplace which would have limited the ability of plaintiff to make defendant's sales, but-for defendant's entry into the marketplace.
- Prepared expert report and provided expert testimony to rebut damage claim resulting from the alleged misappropriation of trade secrets between two publicly traded software companies. Also prepared valuation analysis, expert report and testimony regarding the lost profits resulting from alleged anti-competitive conduct. Analysis included the determination of "but for" and actual sales, the review of competitive factors and other

companies in the relevant market, incremental costs, and present value calculations.

- Prepared projections of sales and related incremental costs, analysis of damages, and expert report in connection with a claim for alleged theft of trade secrets, solicitation of core marketing executives and resulting loss of business between two leading commercial insurance brokerage firms. Work performed included a projection of lost sales, valuation of business lost, analysis of compensation costs incurred to retain existing employees, and the losses attributable to the misappropriation of trade secrets and confidential information.
- Analyzed the value of lost sales and the related incremental expenses and profits, prepared expert report, and provided expert testimony regarding the damages of a large oil field services company resulting from the alleged misappropriation of trade secrets. Damages were determined based on the quantification of lost sales revenue minus incremental costs related to the misappropriated trade secrets. Work also included the critique and analysis of another expert's quantification of lost profits resulting from a counterclaim of tortious interference.
- Provided analysis of lost profits and the value of business lost in connection with an alleged misappropriation of trade secrets claim by a major insurance company against a former exclusive sales agent.
- Provided expert testimony regarding a reasonable royalty in connection with the alleged infringement of a patent by a Taiwanese manufacturer of notebook computers. The patent at issue, owned by a Korean multinational, involved a method of implementing certain keyboard functionality in the notebook computer. Analysis included quantification of the alleged royalty base by model over time, analysis of profitability and incremental production costs, and determination of a reasonable royalty under US statute and case precedent. The royalty was analyzed in part based on the relative bargaining positions of the parties in the assumed royalty negotiation, economic analysis of the relevant market, and a detailed analysis of pricing and costs based on component changes in notebook computer models over time.
- Provided reasonable royalty analysis and expert report, and deposition testimony in a patent infringement matter regarding the alleged infringer of an airframe design patent. The feature was a unique double-paned window used on corporate jet aircraft. Reasonable royalty amounts were developed using various existing rates and a hypothetical royalty negotiation approach.
- Prepared lost profits, reasonable royalty analysis, and expert report in connection with alleged infringement of patents and trademarks for screening devices used in the solids control industry on a world-wide basis in land and offshore drilling applications. Litigation was between a publicly traded oil field services and equipment conglomerate and a competitor company. Analysis included determination of defendant's profits, patentee's lost profits, conveyed sales and a reasonable royalty related to allegedly infringing sales of various models.
- Analyzed the projected sales and profitability of a patented gas sweetening process related to an infringement claim. Work performed included the comparison of profits from the patent in suit to average overall profits of the patentee, the alleged infringer and the industry. Prepared an economic analysis quantifying the relevant market size, penetration of the market by the patentee and alleged infringer, customer overlap and industry license practices.
- Analyzed the lost sales associated with the infringement of a patented directional drilling process. Work included the design and creation of a database that provided various information in proving market overlap and conveyed sales.
- Prepared expert report and damages analysis in connection with a dispute involving the sharing of monetary benefits from exploitation of patented wireless email technology.

Work performed included a forensic accounting and funds tracing analysis of investor funding before, during and after the development of the wireless email technology; and an analysis of the magnitude of equity ownership by chief executive officers of companies in the United States and Canada in order to determine a percentage range for granting equity in exchange for services.

- Engaged as testifying expert and prepared expert report regarding the alleged infringement of copyrights for FAA-approved helicopter parts used for manufacturing new helicopters and for the sale of OEM replacement parts.
- Prepared valuation analysis and expert report in connection with an alleged copyright infringement claim in the apparel industry. Valuation analysis included the determination of estimated projected sales, incremental costs, and total profits on certain styles. Also analyzed profits attributable to various elements of the product such as garment, brand name, logo and hang tags, and other designs and artwork, and researched typical industry practices.
- Unjust enrichment analysis in a copyright, trademark and trade dress infringement dispute between an OEM manufacturer of machinery and equipment in the sanitary food industry and one of its non- OEM competitors. The analysis involved a detail review of the non-OEM competitor's accounting records including sales, margins, and semi-variable costs. The engagement required the preparation of an expert report for the plaintiff, a review of the defendant's expert report and assistance to counsel during mediation.
- Provided expert report and deposition testimony regarding damages in connection with the infringement of a registered trademark by a leading international personal computer manufacturer. The alleged infringer had used the trademark to promote sales of personal computers. Damages were analyzed based on a reasonable royalty methodology, with attention given, among other factors, to the relative positions of the owner and infringer, the use made of the trademark by the owner and infringer, and rates paid for licensing the use of similar trademarks.
- Prepared valuation analysis and named as testifying expert in dispute between former shareholders of a restaurant chain. Work includes the valuation and analysis related to the trade name, trademarks and trade dress of a restaurant chain. Methodology included the relief from royalty approach.
- Prepared valuation analysis and expert report in connection with a dispute between the Australian Taxation Office and investors in a natural gas engine technology. The subject technology is an electronic fuel injection and engine control system which enables both turbocharged and naturally aspirated heavy-duty engines to run on compressed natural gas. Work included analysis of Australian, Canadian and US market sizes, working capital requirements and start-up costs to penetrate new markets, analysis of reasonable royalties and discounted cash flow modeling.
- Provided valuation analysis related to a claim made by the leading Indian steel manufacturer against a US publicly traded steel conglomerate alleging anti-competitive conduct and breach of contract. The dispute related to the sale of a major steel plate plant facility and an exclusive sales representation agreement. Work included analysis of relevant market, projected sales and costs, lost sales, incremental costs, and lost profits from alleged breach of exclusive sales contract, and analysis of plant production capacity under various demand and step-cost scenarios.

Forensic Accounting, Business Interruption and Insurance Claims:

Insurance Disputes

- Provided expert reports and deposition testimony in connection with the termination of an exclusive managing general agent agreement between a family-owned commercial underwriting business and a large surplus lines insurance carrier. Work performed

included an analysis of lost commissions from new business, new business renewals, and program delay; lost profit contingency; consequential damages from lost agents allegedly interfered with by carrier; and extra expenses. Additional work included rebutting claims of opposing expert, analyzing alleged audit findings from an independent third party, and the consideration of operating inefficiencies by the carrier's third-party claims administrator.

- Provided expert rebuttal report and deposition testimony in connection with a lost profits claim from the alleged raiding of underwriters by an insurance company competitor. Work included the replication of the opposing expert's lost profit calculation, and identifying deficiencies such as improper methodology, unsupported assumptions, the use of non-GAAP financial measures, and the failure to consider market factors and mitigation. Additional work included analyzing quarterly sub-unit profit and lost statements before and during the alleged damage period.
- Prepared expert report based on an analysis of Loss of Production Income (LOPI) claim by insured against underwriters related to a shut-in of production from deep water offshore wells allegedly due to a record hurricane in the Gulf of Mexico. The wells were in varying stages of production at the time of the hurricane. Analysis included individual determination of LOPI for each well, depending upon insurance policy provisions, factual circumstances, and stage of production. Work included obtaining information from third party sources, including Mineral Management Services, regarding the dates that each well was spudded, total depth was reached, and production was achieved. Also provided economic analysis as to the commodity prices of oil and gas during the shut-in period, as compared to later periods when there were record prices for oil and gas.
- Provided expert analysis of damages and named as testifying expert in dispute between a financial consultant and a major insurance company regarding the tax status of insurance sales agents and the alleged systematic conversion of commission fees by the insurance company over a 10 year period.
- Analyzed losses resulting from the termination of an agent relationship between an independent insurance agent and property and casualty underwriter. Work performed included a valuation of the book of business attributable to the underwriter using various approaches, analysis of excess costs incurred in anticipation of the continuing relationship and the quantification of lost business opportunities.
- Assisted an international company in investigating alleged bribes and kickbacks paid to its shipping clerk in return for business. Work included interviewing persons knowledgeable with the facts at issue and advising the company of possible alternatives for resolution.
- Analyzed insurance claim involving employee collusion related to embezzlement from a major soft drink company.
- Coordinated the design and implementation of a Clipper-based tracking system to assist a large life insurance company to respond within tight deadlines of investigations being conducted by various state insurance commissioners into alleged improper selling practices. The system allowed detailed information to be provided to the state insurance commissioner in a variety of ways. The system was also used to manage the complaint review process and workflow by the company. Work performed also included reviewing and summarizing of complaint files, advising the company on improving project efficiencies and acting as a liaison with the company's outside attorneys.

Forensic Accounting

- Prepared expert report and provided arbitration testimony in connection with a dispute between surviving spouse and children of a deceased professional football player and a financial advisory firm as a result of the financial advisor's alleged mismanagement of an insurance trust benefiting the decedent's family. Work included a detailed forensic accounting analysis of the trust account statements, wire transfers, account

disbursements, correspondence, and trust documents, and identified inappropriate payments for the trustee's personal use. Prepared damage calculations under various scenarios based on the assumed amounts that would be distributed to the surviving spouse and children during their expected lifetimes. The damage amounts considered the trust fund's expected return based on the fund's investment objectives, annual future distributions to trust fund beneficiaries, and an appropriate present value discount rate.

- Provided expert reports, deposition testimony, and trial testimony in connection with a dispute between limited partner physicians and a prominent hospital system involving the rescission of the limited partnership. The assignment required a forensic accounting analysis of the limited partnership benefits received by the hospital system in the form of management fees and lease payments. Additional work performed included determining excess guarantee fees and interest paid by the limited partnership.
- Provided expert report and arbitration testimony in connection with a global enterprise data center provider and one of its employees accused of breach of fiduciary duty, fraud and theft. Performed a forensic accounting analysis of the economic benefits reported by the employee's affiliated companies during employment, and determined the related lost profits suffered by the employer.
- Prepared valuation analysis in connection with alleged fraudulent financial misrepresentations made by the seller of a specialty retailer. Work included the review of projected and actual earnings before interest, taxes, depreciation and amortization, review of due diligence procedures and findings conducted pursuant to the acquisition, and review of audit work papers pre- and post- acquisition.
- Provided expert arbitration testimony regarding economic damages resulting from a shareholder dispute involving a closely held corporation which trades in refined petroleum products. Work performed involved the critique of a business valuation and economic damages analysis presented by the plaintiff, an assessment of the accounting procedures, methods and procedures by which shareholders receive compensation, and the treatment of shareholder equity, shareholder notes and working capital on the entity's financial statements. Additional work included assessing the proper accounting treatment for shareholder notes as either liabilities or equity in accordance with generally accepted accounting principles, including reporting the economic substance of the notes rather than their legal form.
- Provided forensic accounting and damages analysis, expert report, and trial testimony in connection with a dispute involving the division of property not divided at the time of marital dissolution. Analysis included the determination of the former spouse's share of compensation benefits pursuant to Chapter 103 of the Texas Civil Practice and Remedies Code ("Tim Cole Act") for wrongful imprisonment. Work included estimating historical wages using data from the U.S. Department of Labor's Bureau of Labor Statistics and the Social Security Administration's National Average Wage Index, and the calculation of prejudgment interest.
- Provided expert forensic accounting, funds tracing, and valuation analysis to a high net-worth professional athlete in connection with the investment and cash management services performed by the athlete's former business manager. Analysis included a comprehensive review and compilation of historical cash transactions, the determination of rates of return earned on various real estate investments, and a detailed analysis of the cost and related tax benefits associated with the ownership and use of a private jet aircraft.
- Provided report in connection with a closely held consulting business. Work included a forensic accounting analysis of partner expenses over a sixteen-month period in accordance with the recordkeeping requirements of the Company's employee manual and the Internal Revenue Service.
- Provided expert report in connection with the forensic accounting and valuation analysis

performed pursuant to allegations of improper payments to shareholders over a four-year period subsequent to the sale of a \$57 million gas storage facility.

- Directed forensic accounting of losses stemming from a failure to remove crude waste from storage tanks in a dispute between a leading oil and gas producer and an oil services contractor. Work performed included quantification of excess costs incurred in connection hazardous waste removal, forensic examination of daily logs and analysis of provider records.
- Responsible for investigating allegations regarding over-billing and contract abuses by a vendor providing repair and maintenance services to a large municipal entity. Work included the determination of specific overcharges on a sample basis and a calculation of total potential overcharges in the population.
- Investigated allegedly fraudulent transactions between a governmental entity and subcontractor. Work included the analysis of numerous invoices, sales registers, check registers and inventory records to quantify the amount of over-billing. Also analyzed the internal control structure of the subcontractor and governmental entity, identifying strengths and weaknesses related to the allegations.
- Analyzed the alleged lost profits related to the cancellation of a contract that was to lease two hundred automobiles to a federal agency.

Business Interruption Claims

- Analyzed business interruption losses, prepared expert report, and provided expert testimony in deposition and arbitration proceeding in a dispute involving a major publicly traded oil field services and equipment company and a drilling and exploration company regarding the determination of damages that allegedly resulted from down-hole failures. Work performed included analysis of lost profits, oil and gas activities, reserve and production estimates, drilling interruptions, and restoration and recovery expenses.
- Provided deposition testimony on behalf of a university that suffered business interruption losses due to lower enrollment as a result of Hurricane Ike. Services included the calculation of damages in the form of lost income based on historical and projected financial data supporting a permanent decline in undergraduate enrollment for a period between four and six years.
- Provided insurance claims consulting services to a financial institution that suffered extensive property damage at over 50 branch locations, business interruption, and extra expenses as a result of one of the worst hurricanes on record. Services included the documentation and presentation of all claim components to the financial institution's insurance carrier, identification of additional losses, determination of lost income, preparation of advance requests and interim claims, and consultation regarding financial disclosures and proper accounting under Generally Accepted Accounting Principles.
- Analyzed business interruption claims resulting from a massive oil spill in Alaska. Work included the analysis of historical and projected market share of salmon canneries, sales revenue, operating costs, additional expenses and mitigation. Advised the client on settlement options and participated in settlement negotiations.
- Quantified business interruption losses, as well as repair and replacement costs, on behalf of a publicly traded REIT stemming from a major fire that occurred during the development and construction of a major apartment complex in Ybor City, Florida. Work included quantifying property damage and remediation costs, as well as lost rents, additional expenses and out-of-pocket costs during the delay in reconstruction.
- Prepared expert report in connection with the analysis of the business interruption losses, and repair and construction costs, for a 400-unit residential apartment complex in south Florida that was destroyed by a hurricane.

Fidelity Bond/Employee Dishonesty Claim

- Reviewed and critiqued an insurance claim related to employee fraud in connection with a major work over of an oil and gas production platform. Work included an assessment of the various alleged schemes, analysis of the insured's methodology, review of documents purporting to support claim, investigation of additional issues and facts, and recommendations regarding findings.
- Reviewed and critiqued a claim submitted by a hospital to its insurance carrier under its policy provisions for employee dishonesty. Work included the analysis of the methodology and support for the claimed loss and interviews of persons with potential knowledge of the facts of the case. Recommendations made to the insurance carrier resulted in a reduction of the claim.
- Provided expert report and arbitration testimony regarding the losses suffered by a shareholder and officer of a U.S. corporation, due to the fraud and self-dealing of another officer and shareholder of the same corporation in connection with various business transactions in the Republic of Georgia and Belarus. Analysis included the determination of profits from oil trading, currency trading and investing activities, the comparison of inflation rates and interest rates in various countries, and an analysis of currency exchange rates over time.
- Performed forensic analysis of multiple year's accounting ledgers and underlying support in connection with a claim for losses resulting from a false billing scheme orchestrated by the general director of the Italian subsidiary of a large US oil field services company. Work performed includes the evaluation of potential liability to customers and related quantification for financial disclosure.

Personal Injury and Wrongful Death:

- Prepared expert report regarding a speech pathologist's lost earnings capacity and related fringe benefits employed in the Dallas-Fort Worth area. Analysis included determination of pre and post injury earnings capacity and the pecuniary damages allegedly resulting from a stroke which occurred during a chiropractic treatment. Analysis included the determination of employer costs for applicable fringe benefits, the effective income tax rates applicable to the pre and post injury earnings, the expected growth in wages, appropriate discount rate, and the assessment of the value of household services and loss of consortium.
- Provided expert report and trial testimony regarding the future medical costs of an individual injured in a vehicle incident involving an off-duty U.S. military officer. Analysis included the review and rebuttal of the plaintiff's expert's present value calculation of future medical costs, as well as performing a present value calculation of the life care plan as analyzed by defendant.
- Provided expert report and testimony regarding the alleged lost future earnings of an oil field engineer who suffered a stroke during a medical procedure. Analysis included consideration of potential future earnings given labor market conditions in the oil industry at the time of injury and subsequently. Also provided a present value calculation of the engineer's life care plan as determined by the defendant's life care planner.
- Provided expert report and deposition testimony regarding economic losses of surviving spouse resulting from lost earnings capacity and lost fringe benefits provided by deceased laborer in a wrongful death claim. Analysis included appropriate income tax and personal consumption adjustments, as well as present value factors that can be used to determine the loss of household services and the loss of advice, nurture and counsel.
- Provided expert reports, deposition and trial testimony in connection with a multi-district litigation involving numerous personal injuries from defective hip implants. Analysis included a comprehensive review of individual earning capacities and future medical

costs based on life care plans. Additional analysis includes assessing potential punitive damages against the implant manufacturer.

- Provided expert report and damages analysis in connection with a foreign maritime cadet who was injured while operating a steam valve in the ship's engine room. Performed detail analysis of non-injury and post-injury earnings assuming various career paths and education. Additional analysis included incorporating data from the U.S. Department of Labor's Bureau of Labor Statistics, calculating work life and life expectancies, determining a reasonable discount rate, and rebuttal of opposing expert's assumptions including the ability to legally work in the United States.
- Designated as a testifying expert regarding an individual's claim of lost wages and lost earnings capacity in a personal injury dispute. The individual's injuries allegedly prevented him from selling life insurance policies through his business. Analysis included a detail review of actual historical earnings from monthly commission statements and the potential effect on earnings capacity from pre-existing health issues.
- Provided expert report related to claim of lost future earnings capacity and related economic damages made by a construction company employee who was injured on a job site. After reviewing tax record and depositions, found inconsistencies in the report prepared by Plaintiff's retained expert economist. Provided critique of opposing expert analysis and opinions. Analysis included historical earnings capacity, a determination of future earnings based on published statistics, calculations of pecuniary damages and determination of appropriate discount rate.
- Provided expert report regarding claim of lost earnings capacity and household services in connection with an individual who was injured on a jobsite while working as a roustabout. Performed detailed analysis of the individual's education, training, and work history before and after the alleged incident. Additional analysis included incorporating data from the U.S. Department of Labor's Bureau of Labor Statistics and Texas Workforce Commission and identifying unsupported assumptions by the opposing expert.
- Provided pre-litigation expert report and damages analysis related to lost earnings, fringe benefits, household services and advice, nurture and counsel in connection with an individual who was killed in a motor vehicle accident. Performed detail analysis of the individual's work history prior to his death. Additional analysis included incorporating data from the U.S. Department of Labor's Bureau of Labor Statistics, calculating work life and life expectancies, determining reasonable growth and discount rates, and adjusting for income taxes, personal consumption, and taxes due on interest.
- Provided expert report regarding claim of lost earnings and fringe benefits in connection with an individual injured in a government vehicle at a state jobsite. Performed analysis of non-injury and post-injury earnings assuming similar career paths. Additional analysis included incorporating earnings from state payroll records and workers' compensation insurance, determining a reasonable fringe benefits percentage from the U.S. Department of Labor, incorporating an effective income tax rate, and identifying unsupported assumptions by the opposing expert.
- Provided expert report and trial testimony regarding a federal employees' lost earnings capacity and related fringe benefits, and other pecuniary damages in connection with severe injuries resulting from an auto pedestrian accident. The testimony of a medical expert established that the injuries hastened a pre-existing kidney disease requiring premature kidney transplantation and reducing the individual's life expectancy. Analysis included the use of an age earnings profile to establish pre-injury earnings capacity as compared to post-injury earnings; a determination of employer costs for applicable fringe benefits; consideration of the effect of taxes on the lost earnings, expected growth in wages and medical costs.
- Provided expert report and testimony regarding an individual's lost earnings in a personal

injury dispute in which a college student injured in a motor vehicle collision alleged lost earnings as a result of his inability to complete his degree program. Analysis included a review of entry level wages for the degree program in which he was enrolled in the geographic region in which he expected to reside after graduation, a determination of lost fringe benefits and retirement benefits, and a determination of applicable taxes on those lost earnings over time. Analysis also included expected growth in wages based on an application of a wage earning profile derived from census data and expected growth related to inflation.

- Prepared analysis of lost future earnings capacity, prepared critique of another expert's analysis and opinions, and provided expert testimony regarding economic damages related to injuries suffered by an instrument control technician. Analysis included a determination of actual historical earnings as an independent contractor and employee of numerous refineries and petrochemical companies in various countries, a determination of average earnings based on published statistics for similar job functions, and a determination of future earnings capacity.
- Provided expert report and testimony regarding an individual's lost earnings in a personal injury dispute. The individual's injuries allegedly prevented him from operating and expanding a real estate development and general contracting business for a number of years. Lost earnings were determined by analysis of the historical performance of the business in reasonable expectation for growth based on key customer contacts and market conditions.
- Provided expert testimony regarding the loss of support and related pecuniary damages in connection with the accidental death of a massage therapist/graphic designer. Damages included losses associated with the decedent's earning capacity and related fringe benefits through her remaining expected work life discounted to present value, loss of household services, and analysis regarding the loss of nurture, guidance, and counsel.
- Prepared expert analysis and report for lost support in an alleged wrongful death claim involving the drowning of an employee of the General Services Administration in an off-shore boating accident. Damages analysis was performed under the provisions of the Death on the High Seas Act.
- Prepared expert report regarding economic losses of surviving spouse and dependents resulting from lost wages, lost fringe benefits, and lost household services provided by deceased agronomist in a wrongful death claim.

Corporate Recovery Services:

- Provided expert report, deposition and trial testimony in connection with a Chapter 7 bankruptcy proceeding involving a trustee's attempt to recover approximately \$39 million in alleged fraudulent transfers between a home builder and its owner. Work performed included analysis of monthly operations and financial condition; assessment of available capital; analysis of weekly cash flows; and review of sophisticated cash management system. Analyzed whether the business was insolvent based on unreasonably small capital and impact on the housing market from the 2008 financial crisis.
- Valued 100 percent equity interest of a financially distressed private company operating in the metal building frame manufacturing and design with \$50 million in annual sales. Valuation prepared for capital restructuring purposes utilizing the discounted cash flow method, the public guideline companies' method, and the comparable transaction method. Provided expert analysis and consultation to secured creditor regarding accounting and financial issues of a debtor in possession, the manufacturer of heavy equipment designed for commercial use. Analysis included a determination of gross profit margins pre and post-petition, cash flow analysis, and a review of the debtor's use of percentage of completion accounting methodology.
- Engaged as the testifying expert to evaluate amounts owing by the guarantor of certain

equipment leases in connection with the insolvency of the largest liquor distributor in Texas.

- Provided financial and accounting consulting services related to the financial restructuring of an importer and distributor.
- Assisted the creditors of a convenience store chain in analyzing the solvency of the debtor prior to filing Chapter 11 bankruptcy in connection with a fraudulent conveyance action.
- Assisted a manufacturer in the valuation of various business segments, and with the design, implementation, and monitoring of weekly flash reports in connection with a financial reorganization. Assisted in the preparation of liquidation analyses, preparation of cash flows and budgets, and strategic business consulting.
- Analyzed the financial condition, market position, capital resources and business history of a software company in a Chapter 11 bankruptcy proceeding related to a breach of contract claim brought against a major software company. Work performed included liquidity and profitability analysis, review of business plans, pre-bankruptcy stock price analysis, marketing plan critique, product evaluation and the assessment of competitive products and companies.
- Analyzed the feasibility of the reorganization plan of an offshore drilling company.
- Developed operating budgets, projected cash flows and prepared pro-forma financial statements for a cold storage warehouse operating under a Chapter 11 bankruptcy proceeding.

Audit and Business Advisory:

- Responsible for the audit of a variety of entities such as governmental and municipal entities, non- profits, trusts, and public and private companies in industries such as entertainment, hospitality, real estate, insurance, banking, brokerage, communications, transportation, software, manufacturing, construction, energy, oil & gas, retailing and professional services.
- Responsible for testing the allowance for loan losses and reviewing loan files of a \$700 million bank. Performed analysis of the net realizable value of other real estate and reviewed real estate appraisals.
- Supervised the audit of a mortgage banking company that services a \$1.2 billion residential mortgage loan portfolio.
- Reviewed loan files and real estate appraisals in connection with the acquisition of various portfolios and institutions.
- Planned and supervised the evaluation of internal controls for a savings and loan with \$300 million in assets.
- Supervised the audit of a distributor of auto parts with \$360 million in net sales.