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## **JEFFREY S. ANDRIEN**

*Senior Managing Director*

### **EDUCATION**

UNIVERSITY OF TEXAS AT AUSTIN, McCombs School of Business, Austin, TX  
M.B.A.

UNIVERSITY OF TEXAS AT AUSTIN, Austin, TX  
B.A., Economics

### **PRESENT POSITION**

COHERENT ECONOMICS, Austin, TX.  
Senior Managing Director, 2021–Present

### **PROFESSIONAL EXPERIENCE**

THE CLARO GROUP, Austin, TX  
Managing Director, 2013–2021

FINANCE SCHOLARS GROUP, Austin, TX  
President, 2009–2013  
Director, 2008–2009

CRA INTERNATIONAL  
Vice President, 2007–2008

ERS GROUP  
Principal, 2004-2007

LECG  
Senior Engagement Manager, 1998-2004

OSI, INC.  
Managing Partner, 1993-1998

THE BOSTON STOCK EXCHANGE  
Floor Service Coordinator, 1992

## **PROFESSIONAL EXPERIENCE (continued)**

BEAR STEARNS CORPORATION  
Corporate Bond Liaison, 1991

## **TEACHING EXPERIENCE**

The University of Texas, McCombs School of Business – Lecturer in the Finance Department (Jan 2020 - present). Teaching the core undergraduate Business Finance course.

Thammasat University, Masters-in-Marketing Program – Visiting Professor of Finance and Economics (2006 – 2018). Taught graduate-level course on Marketing Profitability and Intangible Asset Valuation. Member, MIM Admissions Committee.

The University of Texas, McCombs School of Business – Adjunct Professor of Marketing in the MBA Program (Spring 2012). Taught graduate course on managing a global enterprise.

The University of Texas School of Law - Guest Lecturer: Capital Budgeting and Valuation (January 31, 2011), Economics Damages (April 4, 2011).

Washington University in St. Louis, Olin School of Business – Visiting Lecturer (Summer 2008). Taught MBA course on Marketing Profitability and Intangible Asset Valuation.

Vanderbilt University, Owen School of Business – Guest Lecturer in EMBA Program: Brand Valuation (Fall 2008).

## **ASSOCIATIONS AND MEMBERSHIPS**

University of Texas MSF Advisory Board, McCombs School of Business, Board Member

Thammasat University Masters-in-Marketing (MIM) Admissions Committee 2012-2019

American Bar Association, Associate Member

American Intellectual Property Law Association, Member; Patent Damages Subcommittee, Member; Trademark Litigation Committee, Member.

Austin Intellectual Property Law Association, Member

International Trademark Association, Member

Rice University Career Advisory Board (Former Member)

## ASSOCIATIONS AND MEMBERSHIPS (continued)

Austin Youth Hockey Association (Former Member)

## PUBLICATIONS AND PRESENTATIONS

*“Lessons from the Trenches: Damages Experts,”* CLE presentation and accompanying article for the Texas Bar Association’s Advanced Intellectual Property Law course (February 2019). Article co-authored with Chris Bakewell and Leisa Peschel.

*“Patent Damages 101,”* coordinator and panelist for CLE presentation at the AIPLA’s 2016 Annual Meeting (October 2016).

*“U.S Shale Play Development ,”* CLE presentation to Haynes Boone, Beck Redden, and K&L Gates (All done in 2015).

Valuation expert in mock trial at the *Forensic Finance: Better Bankruptcies Through Better Numbers* Conference in Austin, Texas on September 9, 2015.

*“Brand Imperative: Protecting Your Most Valuable Asset”* (with Benoit and Zerrillo), *The Future of Branding*, Sage Publications, 2016.

*“The Four Stages of Lead Partner Relationship Development”* (with Chris Paskach), *Claro Newsletter*, Summer 2015.

*“The Evolution of Trademark Litigation Related to Keyword Searches”* (with Prateek Shah), *Claro Newsletter*, Spring 2015.

*“Protecting Intellectual Assets ,”* Presentation at Singapore Management University, February 2015.

*“Protecting an Asian Treasure,”* *Asian Management Insights*, Vol. 1 Issue 2, November 2014.

*“Principles of Business Valuation,”* CLE presentation to Jones Day in 2015, Nixon Peabody in 2014, Brown McCarroll in 2007, AYLA in 2007, and DYLA in 2007.

*“Consumer-Based Conjoint Analysis,”* CLE presentation to Covington Burling, November, 2013.

*“Brand Valuation,”* Presentation to the Leading Brands Club of Vietnam, Ho Chi Minh City, Vietnam, March 2010.

*“Approaches to Brand Valuation in a Global Marketplace,”* Presentation at the American Intellectual Property Lawyer’s Midwinter Meeting, Miami, FL, January 2009.

## **PUBLICATIONS AND PRESENTATIONS (continued)**

*“Sub-Prime Crisis: How Did We Get Here and What Comes Next?”* CLE Presentations to Vinson & Elkins, Winstead, Brown McCarroll, and Fulbright and Jaworski (all done in 2008).

*“Working with Financial Experts,”* CLE presentation to Greenberg Traurig, 2007.

*“Understanding Financial Statements,”* CLE presentation to Hunton and Williams, 2006.

*“Lessons from the Trenches: Damages Experts,”* panelist at the Texas Bar Association’s 32nd Annual Advanced Intellectual Property Law Course, Dallas, TX, February 2019. Co-authored article related to topic for the course materials.

Taught Brand Valuation seminar to employees of Universal Robina (Filipino food company), July 31, 2020.

## **TESTIMONY AND EXPERT REPORTS**

Betsy Aubrey et al. v. DOBI Medical International, Inc., et al.

Civil Action No.: A-05-CA-1070-SS. Western District of Texas, Austin Division.

Issued Federal Rule 26 report and deposition testimony. 10b-5 Damages case.(2007)

Giddy Up, LLC v. Prism Graphics, Inc. et al.

Civil Action No.: 3:06-CV-0948-BECF. Northern District of Texas, Dallas Division. Issued Federal Rule 26 report and trial testimony related to intellectual property damages.

(2007)

Marquis Furniture, Inc. v. Mathis Bros. Furniture Co., Inc., et al.

Case No. CIV-04-1604-F; USDC Western District of Oklahoma. Issued Federal Rule 26 report, Antitrust damages related to price discrimination. (2008)

CenterPoint Energy 2010 Rate Case

Public Utility Commission of Texas, Docket No. 38339. Issued written testimony, dated June 30, 2010 and testified at PUC hearing. Testimony related to cost of services. (2010)

Frank H. Migl, et al. v. Watson Pipe, Inc., et al.

Case No: 07-05-20634-cv; in the 25th Judicial District Court, Lavaca Country, Texas.

Issued written report, dated June 28, 2010 and testified at deposition. Testimony related to discount rate for damages calculation. (2010)

Stripes, LLC v. Carlson Restaurants Worldwide, Inc. et al.

Case No: 7:11-CV-00019, USDC Southern District of Texas, McAllen Division. Issued Federal Rule 26 Report, dated January 13, 2012 and testified in deposition. Damages related to trademark infringement. (2012)

Dynamis Therapeutics, Inc. v. Alberto Culver International, Inc.

Case No: 09-773-GMS, USDC District of Delaware. Issued Federal Rule 26 Report, dated April 9, 2012 and testified in deposition. Damages related to the alleged breach of contract of a licensing agreement. (2012)

Securities and Exchange Commission v. Oxford Investment Partners, LLC and Walter J. Clarke

File No: 3-14899, SEC Administrative proceeding. Issued valuation report, dated September 4, 2012. (2012)

Keurig, Inc. v. Sturm Foods, Inc.

Case No: 10-841-SLR-MPT, USDC District of Delaware. Issued Federal Rule 26 Reports, dated November 21, 2012 and December 14, 2012. Testified in deposition on December 19, 2012. Damages related to trademark infringement, trade dress infringement, false advertising and unfair competition. (2012)

Memory Lane, Inc. v. Classmates International, Inc., d/b/a Classmates, et al.

Case No: SACV-1100940-JST (MLGx), USDC Central District of California, Southern Division. Issued Federal Rule 26 Report, dated December 26, 2012. Deposed on April 19, 2013. Testified at trial on February 18, 2014. Testimony addressed liability and damages issues related to trademark infringement. (2012)

Bear Ranch, LLC v. Heartbrand Beef, Inc. American Akaushi Association, and Ronald Beeman

Case No: 6:12-cv-14, USDC Southern District of Texas, Victoria Division. Issued Federal Rule 26 reports on April 12, 2013 and November 22, 2013. Deposed on May 14, 2014 and testified at trial on May 27-28, 2014 and September 11, 2014. Valuation of cattle herd and damages related to breach of contract and fraud claims. (2013)

National Financial Partners Corp. v. Paycom Software, et al.

Civil Action No. 14-cv-7424, USDC Northern District of Illinois, Eastern Division. Issued Declaration in opposition of Plaintiff's Motion for Preliminary Injunction on April 20, 2015. Issue related to irreparable harm resulting from alleged trademark infringement. (2015)

Avnet, Inc. and BSP Software, LLC v. Motio, Inc.

Case No. 1:12-cv-02100, USDC Northern District of Illinois, Eastern Division. Issued Federal Rule 26 report on December 16, 2015 and a rebuttal report on February 10, 2016. Deposed on March 15 2016. Damages related to patent infringement in the software industry. (2015)

US Imaging, Inc. v. US Imaging Network, LLC et al.

Cause No. 2015-32810, District Court of Harris County, TX, 80th Judicial District. Filed report on January 11, 2016. Liability and Damages related to trademark infringement in the medical industry. (2016). Provided deposition testimony on October 25, 2016.

TinicumCapital Partners II, L.P., et al. v. Liberman Broadcasting, Inc. et al.

C.A No. 11902-VCL, Court of Chancery of the State of Delaware. Filed report on February 17, 2016 and rebuttal report on February 23, 2016. Deposed on February 28, 2016. Case involved valuing the expected outcomes of the FCC Incentive Spectrum Auction under different participatory strategies. Issues related to irreparable harm and business strategy. (2016)

United States of America v. Michael Marr et al.

Case No. CR-14-00580-PJH, US District Court, Northern District of California, Oakland Division. Filed declaration on March 17, 2016. Case involved analyzing foreclosure auction results to determine if there was evidence that the auction prices were suppressed as a result of collusive behavior by the defendants. (2016)

Linda Suchanek, et al. v. Sturm Foods Inc., and Treehouse Foods, Inc.

Case No. 3:11-cv-00565-NJR-PMF, US District Court, Southern District of Illinois. Filed Expert Report on April 28, 2016. Deposed on May 24, 2016. Case involved analyzing damages issues in a class action lawsuit alleging false advertising in the single-serve instant and micro-ground coffee industry. (2016)

Surgiquest, Inc. v. Lexion Medical, LLC

Case No. 14-cv-0382-GMS, US District Court for the District of Delaware. Filed Expert Report on June 24, 2016. Case involved analyzing damages resulting from false and misleading advertising in the market for medical devices for laparoscopic surgery. Provided deposition testimony on November 3, 2016, and trial testimony on April 6, 2017.

Natural Dynamics, LLC. v. Calm Natural Limited, et al.

Case No. 14-cv-0382-GMS, US District Court for the Western District of Texas, Austin Division. Filed Expert Report on September 23, 2016. Case involved analyzing damages resulting from claims of trade secret misappropriation, breach of contract, and tortious interference in the market for nutraceuticals. Filed supplemental report on October 24, 2016, and a supplemental report on June 16, 2017. Provided deposition testimony on December 5, 2016.

David Weiner, et al. v. Ocwen Financial Corporation, et al.

Case No. 2:14-cv-02597-MCE-DB, US District Court for the Eastern District of California. Filed Expert Report regarding class certification on January 30, 2017 in a class action case that involved analyzing loan level data to determine fees paid by borrowers related to certain mortgage-related valuation services. Filed Rebuttal Expert Reports on April 5, 2017 and May 6, 2019. Filed a Damages Report on March 6, 2019. Provided deposition testimony on February 21, 2017 and on April 5, 2019.

Dina Andren et al. v. Alere, Inc., et al.

Case No. 3:16-cv-01255-GPC-NLS, US District Court for the Southern District of California. Filed Expert Report on June 21, 2017. Case involved class action damages related to claims of deceptive and misleading trade practices in the medical device industry.

Sphero Inc. v. Spin Master, LTD., et al.

Case No: 17-cv-5428, US District Court for the Southern District of New York. Filed Expert Declaration on July 18, 2017 pertaining to irreparable harm and balance of equities related to a preliminary injunction motion. Case involved claims of deceptive patent infringement in the consumer electronics market. Provided deposition testimony on August 17, 2017 and hearing testimony on August 23, 2017.

United States of America v. Jesse Roberts, III

Criminal No: 15-20-JWD-EWD, US District Court for the Middle District of Louisiana. Testified at trial on August 8, 2017. Testimony pertained to analyses of securities trading records in an insider trading case.

Barbara Waldrup, et al v. Countrywide Financial Corporation, et al.

Case No.: 2:13-cv-08833-CAS(AGRx) consolidated with Case No.: 2:16-cv-4166 CAS(AGRx), US District Court for the Central District of California. Filed Expert report on August 28, 2017 and testified at deposition on September 22, 2017. Testimony pertained to class-wide damages resulting from claimed illegitimate appraisals for home mortgages.

Custopharm, Inc. v. Chemworth, Inc., et al.

Case No.: AU:15-CV-00841-RP, US District Court for the Western District of Texas, Austin Division. Filed Expert report on October 17, 2017. Case involved breach of contract claims between two drug development companies. Supplemental report filed on January 10, 2018. Testified at trial on April 18, 2018.

Twin Rivers Engineering, Inc. v. Fieldpiece Instruments, Inc., et al.

Case No.: 2:16-cv-04502-MLH-MRW, US District Court for the Central District of California. Filed Expert report on December 27, 2017. Case involved liability and damages assessments related to antitrust, Lanham Act, and patent infringement claims in the hand-held leak detector industry. Testified at trial on May 31, 2018.

RSL Holding, LLC et al. v. Gregory Smith, et al. AND Iberiabank v. US Rail Services, LLC, et al.

Cause No.: 2016-46164, 164th Judicial District of Harris County, Texas; and Cause No.: 2016-58070, 129th Judicial District of Harris County, Texas. Filed Expert Affidavit on February 5, 2018. Case involved valuation and damages assessments related to breach of contract and fraud claims in post-acquisition dispute.

Total Rod Concepts, Inc. v. Glasforms, Inc., et al.

Cause No.: 14-05-05365, in the District Court for the 410th Judicial District, Montgomery County, Texas. Filed Expert report on February 21, 2018, and provided deposition testimony on March 23, 2018. Case involved damages assessments related to breach of contract and misappropriation of trade secrets claims in the fiberglass sucker rod industry.

S&A Capital Partners, Inc. et al. v. JP Morgan Chase Bank, N.A., et al.

Case No.: 1:15-cv-00293-LTS-JCF, US District Court in the Southern District of New York. Filed Expert report on July 9, 2018 and sur-rebuttal report on December 17, 2018. Case involved damages assessments related to breach of contract and fraud in the market for distressed residential mortgages. Testified at deposition on January 31, 2019.

Greg Friedlander, et al. v. John V. “Jack” McGary

Cause No.: D-1-GN-16-005169, in the District Court for the 261th Judicial District, Travis County, Texas. Filed Expert report on August 1, 2018. Case involved damages assessments related to breach of fiduciary duty and fraud in the market for the booking of celebrity speakers. Testified at trial on January 17, 2019.

Likarish Enterprises, Inc. v. SkiHi Enterprises, Ltd.

Cause No.: CV-16-0910, in the District Court for the 397th Judicial District, Grayson County, Texas. Filed Expert report on August 7, 2018. Case involved damages assessments related to breach of contract, negligence, and breach of duty to perform in the alcoholic spirits market.

CVS Heath Corporation, et al. v. Vividus, LLC., et al.

AAA Case No. 01-14-0002-0801, American Arbitration Association. Filed Expert report on September 21, 2018. Case involved quantifying antitrust and commercial damages related to claims of collusion and breach of contract in the market for compounding pharmacies.

Sally Ann Reagan v. Ganesh Ramachandran Iyer and Morgan Stanley

FINRA Case No. 17-01985. Filed Expert report on October 10, 2018 and testified at the arbitration hearing on November 1, 2018. Case involved analyzing the riskiness of investments and assessing damages in an arbitration claiming an investor's funds were invested in unsuitable investments.

HEB Grocery Company, LP v. Todd Meagher, et al.

Civil Action No. 4:17-cv-02810, in the United States District Court of the Southern District of Texas, Houston Division. Issued Federal Rule 26 Report, dated November 2, 2018 and testified at deposition on December 19, 2018. Case involved valuing a start-up business and assessing damages associated with the Defendants' counterclaim of trademark bullying.

ExxonMobil, et al. v. Deutsche Telekom, et al.

2014 WIPO Arbitration Rules, CASE NO. WIPOA130218. Issued expert report on February 21, 2019 and a rebuttal report on April 11, 2019 in an International arbitration in London. The report addressed “negotiating damages” resulting from the alleged breach of a settlement agreement related to a prior trademark dispute.

Acceleron, LLC v. Dell, Inc.



Case Number 1:12-cv-04123, US District Court, Northern District of Georgia, Atlanta Division. Issued expert report on May 24, 2019 in a patent infringement dispute involving blade server technology. The report addressed reasonable royalty damages, as well as a critique of the Plaintiff's expert report. Testified at deposition on June 21, 2019.

Christopher M. Beuchler, et al. v. James W. Thompson, et al.

Cause Number D-1-GN-17-005884, District Court of Travis County, Texas, 459<sup>th</sup> Judicial District. Issued preliminary expert report on July 11, 2019 in a business dispute involving open source firewall and router software. The report addressed damages related to claims of fraud, breach of fiduciary duty, and breach of contract, among others.

Vitol Americas Corp. v. Targa Channelview, LLC.

Cause Number 2018-90859, District Court of Harris County, Texas, 80<sup>th</sup> Judicial District. Filed an initial expert report on December 12, 2019 in a business dispute involving a splitter facility in Channelview, TX. Report quantified benefit of the bargain and restitutionary damages. Provided deposition testimony on January 31, 2020 and on May 12, 2020. Provided trial testimony on September 29, 2020.

Emily Sears, et al. v. Russell Road Food and Beverage, et al.

Case Number 2019-cv-01091, United States District Court for the District of Nevada. Filed an initial expert report on March 2, 2020 in a Lanham Act dispute involving alleged misappropriation and unauthorized publication of the image and likeness of models. Report addressed the likelihood of confusion and economic damages.

Twinwood Cattle Company, Inc. v. American Akaushi Association, et al.

Civil Action Number 18-DCV-250789, in the District Court of Fort Bend County, Texas, 458<sup>th</sup> Judicial District. Filed an initial expert report on May 7, 2020 in a breach of contract and fraud dispute involving specialized Japanese cattle. Report addressed economic damages. Supplemental report filed September, 18, 2020 and additional rebuttal report filed on March 16, 2021. Testified in deposition on July 8<sup>th</sup>, 2020 and April 23, 2021. Testified at court hearing on January 29, 2021 and at trial on July 15, 2021.

Jaymo's Sauces, LLC. v. The Wendy's Company

Case No.: 19-cv-1026, in the United States District Court for the Central District of Illinois. Filed an expert rebuttal report on October 23, 2020 in a trademark infringement case involving food products. Report addressed economic damages and unjust enrichment. Filed an affirmative expert damages report on January 29, 2021.

BNSF Railway Company, et al. v. Dynegy Midwest Generation, LLC.

AAA Case No.: 01-18-0001-3283, American Arbitration Association case. Filed an expert report on January 18, 2021 in a breach of contract case involving coal transportation to a power generation facility. Report addressed the issue of the appropriate discount rate for economic damages.

David Yoder and Yoder Naturals, LLC v. YGHR Sales, LLC et al.

Case No.: 8:18-cv-01983 DCC, in the United States District Court for the District of South Carolina, Anderson Division. Filed an expert report on January 22, 2021 in a trademark infringement case involving nutraceuticals. Report addressed the issue of likelihood of confusion. Testified at deposition on March 11, 2021.

In Re: WC South Congress Square, LLC Bankruptcy

Case No. 20-11107-tmd, in the United States Bankruptcy Court for the Western District of Texas, Austin Division. Issued expert report on April 9, 2021 related to the appropriate cram-down interest rate for the debtor's proposed plan of reorganization. Testified at the bankruptcy proceeding on April 15, 2021.

Mid-Atlantic Finance Co., Inc., v. Prime Asset LLC, et al.

Cause No. D-1-GN-19-000954, in the District Court of Travis County, Texas, 250th Judicial District. Testified at a hearing related to economic damages on April 12, 2021. Case is related to a misappropriation of trade secrets claim in the subprime auto loan industry.

## **REPRESENTATIVE CASES**

### **ANTITRUST MATTERS**

Performed liability analysis related to an electricity market manipulation claim.

Analyzed liability and assess damages in a restraint of trade case in the market for HVAC leak detectors. The case also involves claims of patent infringement and Lanham Act violations.

Performed economic damages analyses for a generic pharmaceutical company that was allegedly kept from entering a specific antibiotic market by the branded company through fraudulently obtained patent protection.

Analyzed liability and assessed damages associated with an alleged Resale Price Maintenance Agreement in the "cosmeceutical" industry.

Calculated antitrust damages related to price discrimination and fraud claims in the wholesale home furniture industry.

Examined economic issues related to alleged tying arrangements practiced by a medical device company.

Performed economic analysis related to a Section I and II claim in the laboratory airflow control systems market.

Examined a tying and bundling claim in the television broadcasting industry. Determined economic damages suffered by purchasers of ammonium nitrate due to price fixing.

Performed liability and economic damages analyses, as well as litigation support for an international client accused of collusion in the vitamins industry.

Performed liability and economic damages analyses and litigation support for an international client accused of collusion in the amino acids industry.

## **CORPORATE RECOVERY**

Determined “cram-down” interest rate for bankruptcy proceeding involving commercial real estate company.

Valued a hotel property in Hawaii that was involved in a bankruptcy proceeding.

Performed a fraudulent transfer and preference analysis of the pre-petition transactions to determine avoidability, valued corporate assets, assessed litigation alternatives for additional recoveries, and reviewed debtors proposed business plan.

Conducted individual practice assessments, market surveys, and damage estimates associated with the failure of a physicians practice management company.

Performed financial analyses related to the pre-petition financing and collateral position of a Chapter 11 telecommunications company.

Analyzed investor claims of legal malpractice to assess recovery possibilities. Also, performed various financial analyses to determine the feasibility of class certification.

## **INTELLECTUAL PROPERTY**

Retained to quantify economic damages in a misappropriation of trade secrets case in the sub-prime auto loan industry.

Engaged to address Lanham Act damages in a Lanham Act dispute involving consumer products companies that manufacture and distribute air freshener products.

Engaged to address likelihood of confusion and damages in a trademark infringement dispute involving remote controlled vehicles.

Engaged to quantify damages in a Lanham act case involving false and misleading advertising claims in the timeshare industry.

Currently engaged to quantify damages to a hospital system as a result of fraud and negligent marketing claims against opioid manufacturers and distributors.

Assessed liability and quantified damages in a misappropriation of trade secrets dispute between two drilling fluids services firms.

Retained by defense counsel to opine on patent infringement damages in a matter involving technology for blade servers.

Engaged by defense counsel to opine on liability and damages in a trademark and trade dress litigation between two companies that manufacture beverage tumblers.

Quantified damages and opined on certain liability issues in a false advertising case involving two medical device companies who manufacture products for laparoscopic surgery.

Engaged to quantify damages and opine on liability issues in a trademark infringement matter involving the health benefits management industry.

Analyzed and rebutted confusion and dilution surveys performed by defense experts in a trademark dispute between a large oil company and a world renowned entertainment company.

Engaged by plaintiff's counsel to quantify patent infringement damages in the computer software industry.

Evaluated the Plaintiff's damages claim and offered affirmative damages opinions in a breach of contract case involving the licensing of patented technology in the cosmeceutical industry.

Engaged by counsel for the defense to evaluate trademark infringement damages in a dispute between an international restaurant chain and a regional convenience store chain.

Engaged by counsel for the defense to evaluate liability and damages in a trademark infringement suit involving an online nostalgia company.

Quantified trademark infringement and false advertising damages in a dispute between two food products companies.

Determine patent infringement damages in a matter involving computer hardware technology.

Calculated damages in a misappropriation of trade secrets case between two computer software firms.

Provided business strategy and licensing assistance to the owner of an Internet patent portfolio.

Determined damages in a patent infringement case involving two "nutraceuticals" companies.

Assessed reasonable royalty and lost profits claim involving baseball training product.

Assessed lost profits and diminution of business value claims involving a misappropriation of trade secrets dispute between a start-up biotechnology firm and a nationally renowned research institution.

Assessed the amount of reasonable royalties due to patent infringement involving two air-jet weaving machine patents. Critiqued lost profits and reasonable royalties claimed by plaintiff.

Determined the amount of reasonable royalties due to patent infringement in the prepaid wireless telecommunications industry.

Engaged by plaintiff to assess lost profits damages for a company in the cardiac rhythm management business. Developed lost profits damages model, critiqued lost profits claimed by defendant, assisted in preparing for expert deposition and trial, and prepared prejudgment interest model and affidavit.

Assessed the amount of reasonable royalties due to patent infringement involving a patent for pet snacks.

## **VALUATION AND DAMAGES**

Engaged by counsel for the defense to value an oil and gas exploration and production company.

Valued natural gas salt-domed storage facility.

Valued natural gas pipeline facility.

Quantified damages in an arbitration dispute involving two joint venture partners in a natural gas trading and marketing business.

Provided cost of services testimony in a PUC rate case.

Engaged by plaintiff's counsel to opine on economic damages in a case involving the resale of underperforming residential mortgages.

Prepared intellectual property valuation for a company in the neuro-marketing field. The valuation report was used for acquisition purposes.

Engaged by defense counsel to provide class certification and damages opinions in a class action case involving ground water contamination.

Quantified class-wide damages for a case involving credit card interchange fees.

Performed valuation of a biotechnology company engaged in a breach of contract dispute involving preclinical and Phase I pharmaceuticals.

Assessed damages associated with breach of a natural gas processing and purchase contract. Determined well connection costs, well deliverability, well capacity, and compression maximums. Also, analyzed gains to producers from gaming nominations to pipelines.

Calculated the termination payment for a portfolio of interest rate swaps determined based on the Loss method as defined in the 1992 International Swaps and Derivatives Association Master Agreement.

Performed class certification analyses for defendant in a large class action lawsuit involving an oil spill in the gulf coast region. Work involved analysis of medical class, the Seafood Compensation Program, Property Damages Class, and other Economic Damages Classes.

Analyzed issues pertaining to a large family enterprise involved in an estate tax examination.

Valued a herd of full-blood, Japanese cattle as part of a damages analysis in a fraud and breach of contract case.

Assessed damages in a breach of contract case involving life settlement policies.

Calculated damages resulting from the withholding of restricted securities in association with an acquisition of a Phase I/Phase II biotechnology firm.

Valued investment advisory business involved in an administrative proceeding with the Securities and Exchange Commission.

Performed damages and liability analyses on a litigation matter involving terminations of interest rate swaps.

Performed a variety of complex analyses on a securities matter involving a large mortgage origination company. Our work entailed quantifying gains from insider trading, as well as analyzing various liability issues.

Provided analysis regarding the appropriate discount rate to employ in a damages calculation involving a failed pipe casing.

Assessed damaged and valued minority interest of a spirits company related to a post-acquisition dispute.

Provided economic and financial analysis to a large bank involved in a dispute regarding the bank's involvement in a loan syndicate. The dispute was related to the cable television industry.

Calculated personal injury damages due to a small business owner as a result of an automobile accident.

Performed econometric and financial analyses for the defendants in a large, securities class action case involving initial public offerings.

Calculated damages in a large 10B-5 litigation involving a document management technology and service company.

Assessed the real property value of a Hawaiian hotel involved in a bankruptcy related dispute.

Engaged to provide damages analysis in a 10B-5 litigation involving a defunct broadband company.

Performed valuation of derivative financial instruments in an Enron-related criminal matter.

Quantified damages for defense counsel in a large securities class action case involving a bankrupt energy company.

Calculated damages in a dispute involving nitrogen production units (NPU's) in the oil field services industry.

Performed damages analysis in a 10B-5 litigation involving a medical device firm.

Engaged by counsel for the defense to provide liability and damages opinions relative to a securities litigation involving derivative financial instruments.

Assessed mutual fund trading activities of alleged market timers and late traders for the SEC.

Performed analyses for the state of Texas to assist in analyzing proposed legislation regarding investment disclosure requirements.

Assessed damages due to a large airplane engine manufacturer as a result of faulty equipment produced by a sub-contractor.

Performed a business valuation of a hydroxides manufacturing unit for a multinational client in a breach of contract case.

Conducted damages analysis related to a post-merger dispute between a large express mail company and two of its European affiliates.

Conducted damage analyses related to alleged 10B5 securities violations by a large waste industry company.

Assessed stock and future earn out damages associated with claims of fraud and misrepresentations related to an acquisition of consumer car care products.

Assessed damages claim in a breach of contract case involving two parking services companies.

#### **OTHER MATTERS**

Engaged by major international company to perform econometric analyses on the Global Crude Oil Market.

Engaged by mortgage servicing company to determine its ability to pay fines levied against it by the Consumer Financial Protection Bureau (CFPB). The case related to illegal foreclosure practices.

Retained by the SEC in an administrative matter against the executives of a major mortgage servicing company. The engagement entailed evaluating loans for compliance with reps and warranties, as well as determining the gains made by the executives resulting from incorrect disclosures.

Performed analysis regarding the quality of due diligence conducted in a transaction involving a major international restaurant company. The plaintiff, a joint venture partner responsible for West Coast franchise expansion, sued the restaurant chain and its acquirers for breach of contract and fraud.

Performed analyses regarding corporate governance issues for a large accounting firm involved in a litigation case that alleged accounting malpractice.

Retained by a trustee for a mortgage-backed securities structured trust to determine whether mortgage loans in a trust complied with the representations and warranties made about the loans in loan purchase agreements.

Assisted a large national insurance carrier in the divestiture of its healthcare practice.

Performed Y2K readiness assessments on behalf of state insurance regulatory boards.

Managed an engagement to eliminate a large claims backlog for an insolvent insurance carrier.

Retained by trustee to examine a mortgage origination company's policies and practices in the areas of mortgage loan underwriting and mortgage loan sales, as well as its policies and practices related to quality control and quality assurance in these areas.

Helped the City of Pittsburgh value its parking assets and evaluate various alternatives for monetizing them to fund the city's pension shortfall.



Retained by GSE (Government Sponsored Entity) to evaluate its risk management policies and procedures related to its mortgage purchasing activities. In the case, the GSE sued a Big 4 accounting firm for failing to detect fraud at a now defunct mortgage bank during its audits.

Retained by Plaintiff counsel to evaluate class-certification issues in multiple mortgage-backed securities cases.