

TRUEPOINT ANALYTICS

William N. Holmes, CPA, CFE, CVA, ABV

CURRICULUM VITAE

Educational Background

Bachelor of Science – Business Administration & Accounting, *Oregon State University*

Professional Status

Senior Managing Director, TruePoint Analytics, PC; Scottsdale, AZ • Portland, OR • Vancouver, WA

Managing Shareholder, Holmes Company, PC, Portland, Oregon

Member, Oregon Board of Accountancy Complaints Committee 2013-2018 (BOACC)

Member, American Institute of Certified Public Accountants (AICPA)

Member, Oregon Society of Certified Public Accountants (OSCPA)

Member, Association of Certified Fraud Examiners (ACFE)

Vice-Chair – Accountants’ Specialized Litigation Group, Defense Resource Institute (DRI)

Certified Public Accountant (CPA), AZ (21051)/CA (133644)/OR (7609)/WA (35558)

Certified Fraud Examiner (CFE)

Certified Valuation Analyst (CVA)

Accredited in Business Valuation (ABV)

Publications & Presentations

“Accountants: Risks Presented in the Preparation of Compilation Reports for Private Investment Companies,” DRI Happenings, March 23, 2009 (joint author).

“Liability Exposure Facing CPAs Who Fail to Detect Fraud”, DRI Professional Liability Seminar, New York, New York, December 12-13, 2013 (faculty presenter).

“Advanced Commercial Damages”, Commercial Practice Seminar, Oregon Association of Defense Counsel, Portland, Oregon, May 16, 2014 (panel presenter).

“Damages: Don’t Let Them be an Afterthought”, DRI Professional Liability Seminar, New York, New York, December 3-5, 2014 (faculty presenter).

“Arthur Andersen’s Jury Verdict Reminds Us: It’s Not ‘Just a Compilation’ ”, DRI Professional Liability Seminar, New York, New York, December 3-5, 2014 (author – article).

“Financial Fraud Awareness: A Panel Discussion”, CFA Society Portland, October 4, 2016 (panel member).

“ ‘Expanded Discovery’ of Third Parties in Professional Liability Cases Can Yield High Return on Investment (ROI) for Defense Counsel and Insurance Companies”, DRI Riding the E&O Line, October 14, 2016 (author – featured article).

“Cross-Examining the Expert Witness”, Commercial Practice Seminar, Oregon Association of Defense Counsel, Portland, Oregon, December 2, 2016 (panel participant).

“When Things ‘Don’t Add Up’ – How a Tax Return Can Help Prove Investment Fraud”, Oregon Trial Lawyer, Spring 2017 (author).

“Guarded Treasures of Third-Party Accountants Take Defense Cases From Rags to Riches”, DRI For the Defense, April 2017 (author – featured article).

“Life After Death: Claims by Trustees Against Insolvent Entities”, DRI Professional Liability Seminar, New York, New York, December 12, 2017 (faculty presenter).

“CPA Standard of Care (An Overview)”, DRI Professional Liability Seminar, New York, New York, December 12, 2017 (author – presentation).

“Litigating Claims Against Accountants”, ProLaw CLE-A Legal Continuing Education Company, December 14, 2017 (author – presenter).

“Litigation Against Tax Preparers Raises the Question: Can a Tax Preparer Really ‘Rely in Good Faith, Without Verification, on Information Furnished by the Tax Preparer or Third-Parties?’”, Landy Insurance Agency Risk Management, January 22, 2018 (author – article).

“A Toolkit for Understanding Business Valuations”, Gevurtz Menashe Law Firm, Portland, Oregon, March 21, 2018 (author – presentation).

“Tax Preparation Red Flags – Investigate Red Flags When Preparing Tax Returns for Multiple Related Entities to Prevent Possible Loss Litigation”, Pearl Insurance / General Star Insurance Company Risk Management, June 22, 2018 (author – article).

“CPA ‘Comfort Letters’ to Lenders and Third-Parties May Be Traps for Violating Professional Standards and Creates Litigation Risk for Accountants”, Travelers Insurance Company Risk Management, July 31, 2018 (author – article).

“Paycheck Protection Program (PPP) Webinars, Instructional Videos and Resource Materials”, 6 separate presentations regarding PPP eligibility criteria, loan sizing, forgiveness criteria, and special circumstances on behalf of a large Portland, Oregon law firm, the Oregon Society of Certified Public Accountants, and a large Oregon-based Community Credit Union, April – December 2020 (author – presenter).

Professional History

Mr. Holmes began his career in an international accounting firm and is the Managing Shareholder of a mid-sized full-service Certified Public Accounting firm and financial litigation consulting firm located in Portland, Oregon and performs services for clients located in multiple states. Mr. Holmes has approximately 33 years of experience in the areas of accounting, auditing, financial forensics, damages, business valuation and taxation. Mr. Holmes serves as a plaintiff and defense counsel consultant, subject matter and damage expert in complex litigation cases for leading trial lawyers in matters involving anti-trust (monopoly), bankruptcy, breach of fiduciary duty, class action lawsuits, commercial contract disputes, corporate veil issues, construction disputes, criminal defense and “white-collar” crime issues, divorce, embezzlement / misappropriation, employment disputes, intellectual property issues, personal injury and lost wages, professional malpractice and accountants’ liability, securities fraud, shareholder rights, abusive tax shelters and whistle-blower (Qui-tam) issues. Mr. Holmes also consults and testifies on a variety of financial crisis and insolvency issues.

Case History

Anti-Trust (“Monopoly”) Helicopter Transport Services Inc. v. Erickson Air-Crane Inc. (Oregon District Court, Case No. 2006cv03077): Testifying expert for plaintiff counsel in anti-trust (“monopoly”) litigation of client involved in the air transportation industry. Prepared damage report and complex damage model totaling approximately \$60 million using anti-trust damage model theories, consulted with counsel in preparation for settlement discussions, prepared counsel for trial, and responded to defense counsel motions in limine. Result: Settlement.

Anti-Trust (“Monopoly”) Evergreen Helicopters Inc. v. Erickson Air-Crane Inc. (Oregon District Court, Case No. 2009cv03059): Testifying expert for plaintiff counsel in anti-trust (“monopoly”) litigation of client involved in the air transportation industry. Prepared complex damage model totaling approximately \$15 million using anti-trust damage model theories. Result: Settlement.

Asset Collateral Sterling Savings Bank v. Sing Chan and Debbie Chan v. Stark Group, LLC, Progress Construction Company, LLC, Mark Madden and Richard Grimes (Oregon District Court, Case No. 3:12-cv-00269-ST): Testifying expert for defendant who allegedly entered into a Settlement Agreement in connection with a civil complaint whereby the plaintiff later denied existence of the Settlement Agreement and refused to abide by its terms. Defendant Stark Group, LLC filed a motion in federal court to enforce the settlement agreement. Provided expert testimony related to the "sufficiency of security" (multi-family real estate) offered to securitize settlement payments. Reviewed third-party appraisals of real estate properties offered as security, analyzed debt load and capacity of properties, analyzed cash flows generated by the properties, analyzed historical and forecasted economic market conditions of the multi-family housing market, determined excess collateral amounts provided by defendant, developed an opinion on "sufficiency of security" and testified in Federal Court pursuant to a Motion to Enforce. Result: Judicial ruling that no agreement existed. T

Bankruptcy Debtor Accountant for Jon Harder, Chief Executive Officer of the Sunwest Enterprise of Companies (Oregon District Court, Case No. 09-cv-06074 HO – Reference Withdrawn, Former Bk. Case No. 08-37225-tmb11): Consulting expert for defense counsel in the preparation of financial restructure plan and analysis of multiple competing restructure plans in \$2.5 billion assisted living facility enterprise. Performed tax planning and analysis, evaluation of asset retention and disposition issues, and evaluation of claims against third parties. Result: Settlement.

Bankruptcy In re Yellowstone Mountain Club LLC (Montana District Court, Case No. 08-61570): Consulting expert to plaintiff counsel against Credit Suisse, a multi-national lending institution accused of breaching its fiduciary duty to a mountain resort entity by lending approximately \$232 million to the primary owner of the entity which was to be used for personal purposes, not business purposes. The money was never repaid to the corporation, which filed for bankruptcy. Result: Judicial ruling for plaintiff.

Bankruptcy *Textron Financial Corporation v. Teufel et. al.* (Oregon District Court, Case No. 3:2009cv00906): Testifying expert for defense counsel of company that had its debt financing cancelled unexpectedly. Analyzed numerous accounting issues, bank “internal audit reports”, company and CPA prepared financial statements, work-in-process schedules and financial liquidity and forecasts. Assisted counsel in evaluating claims against financial institution, recommended to company new internal controls and accounting oversight to better manage company and credit facility. Result: Settlement.

Bankruptcy and Professional Malpractice (*West Coast Nursery Producer v. Local Accounting Firm*): Testifying expert to plaintiff counsel in the analysis of a sale of a nursery producer where purchase price was based on certain inventory levels that were alleged to have been overstated. Performed an analysis of the accountants’ working papers to determine compliance with applicable standards of care, prepared cost accounting models, determined material misstatements with respect to inventory amounts, and prepared counsel for depositions. Result: Settlement.

Bankruptcy and Income Tax *In re Bay Club Partners – 472, LLC* (Oregon District Court, Case No. 14-30394-rld11): Testifying expert to defense counsel in the analysis of income tax gains and cash distributions that should be distributed to each of the members of an apartment complex sold in Mesa, AZ during a bankruptcy proceeding. Analyzed LLC Operating Agreement of the members, analyzed income tax returns of the project from inception through date of liquidation, prepared multiple schedules calculating taxable gain, depreciation recapture, special allocations to members, and cash distributions applicable to each member. Prepared expert report related to my opinions, prepared rebuttal testimony related to plaintiff expert report, assisted in settlement discussions and provided tax and other calculations, and prepared schedules for inclusion in competing Stipulated Orders. Result: Settlement and judge signed defense counsel Stipulated Order.

Bankruptcy *In re Berjac of Oregon* (Oregon District Court, Case No. 12-63884-tmr7): Testifying expert to defense counsel in support of Bullivant Houser Bailey PC’s (“BHB”) Motion to Approve Settlement of Fee Claims. Prepared analysis from historical financial information and rendered conclusions on BHB’s banking relationships, bank covenants, net borrowings, net cash flows, and alternate financing options that were available to BHB compared to its current lender. Prepared expert report indicating my conclusions, prepared declaration in support of Motion, assisted in cross-examination issues of opposing expert, and testified in court hearing regarding my opinions. Result: Judicial ruling for defendant. T

Bankruptcy *In re Mara Gisella Hutchins; State of Oregon, Department of Human Services (plaintiff) v. Mara Gisella Hutchins (defendant)* (Oregon District Court, Case No. 19-31567-tmb7): Testifying expert to defense counsel in debt discharge dispute due to claims Ms. Hutchins knowingly made misrepresentations or recklessly disregarded the truth by misstating, failing to disclose, omitting or concealing her income, sources of her income, her self-employment, and her assets which affected the State of Oregon’s decision to provide her food stamp benefits (SNAP). Reviewed income tax returns, SNAP application requirements (including historical changes to SNAP applications), provided testimony regarding confusing and unclear program requirements that could lead applicants to make mistakes when completing SNAP applications, and outlined indications that Ms. Hutchins did not commit fraud upon the State of Oregon. Result: Judicial ruling for plaintiff.

Breach of Contract Aloha Cat & Dog Hospital, P.C. and 401(k) Plan Trustee v. Standard Retirement Services, Inc. nka Invesmart, Inc. (Oregon District Court, Case No. cv08-927): Expert witness for defense counsel of Third Party Administrator accused of failing to provide proper advice regarding bonding requirements for Plan assets that were misappropriated by the Plan's investment manager, Mr. Wesley Rhodes, who was sent to federal prison in connection with the misappropriations. Discovered relevant financial documents and evidence in a previously unknown public warehouse which was maintained by U. S. Securities and Exchange Commission for a related case, discovered previously unknown financial recoveries of Plan losses which were obtained by Trustee, discovered previously unknown evidence which led to counter claims brought by Invesmart against Plan Trustee. Analyzed potential damages and concluded that even if liability were established against Invesmart, damages would be \$0. Result: Settlement.

Breach of Contract Door Supply Inc. et. al. v. Alliance Door Products LLC et. al. (Multnomah County Circuit Court, Case No. 0709-10849): Testifying expert for defense counsel in connection with business sale where seller alleged wrong-doing by buyer that caused the failure of seller's other remaining business. Analyzed financial statements, purchase / sale contracts, and lending agreements to determine that buyer was not the cause of failed business. Prepared for depositions, prepared "fault" model, and provided mediation analysis. Result: Settlement.

Breach of Contract Zorn et. al. v. Shell Oil Company (Oregon District Court, Case No: 3:2005cv00664): Testifying expert to plaintiff counsel in connection with business sale where plaintiff alleged wrong-doing by seller (Fortune 500 Company). Analyzed financial statements, purchase and sale contracts, and prepared damage model. Result: Settlement.

Breach of Contract E.F.P. Management Corp. et. al. v. Carlos H. Orellana et. al (Multnomah County Circuit Court, Case No. 0702-02094): Testifying expert for defense counsel in connection with termination of contract and allegations of fraud and embezzlement by consultant. Analyzed transactions and financial statements and provided trial preparation. Result: Settlement.

Breach of Contract Oregon Health and Science University v. FamilyCare Incorporated (Multnomah County Circuit Court, Case No. 121216134): Testifying expert for plaintiff counsel in connection with breach of contract claims made against defendant related to reimbursement rates for health care services delivered by plaintiff. Reviewed financial information, patient data, and contract rates to determine amount of damages alleged by plaintiff, prepared damages report, mediation and trial exhibits and assisted counsel in mediation. Result: Settlement.

Breach of Contract Tioga Logging, Inc. v. Millicoma Logging, Inc. (Coos County Circuit Court, Case No. 16-CV-18689): Testifying expert for plaintiff counsel in case involving breach of contract and conversion where a company related to a co-owner of plaintiff allegedly breached his fiduciary duty and defendant was unjustly enriched. Assisted counsel in discovery requests, analyzed financial information, performed forensic accounting analysis, prepared damages calculations, prepared mediation and trial exhibits and assisted counsel in mediation. Result: Settlement.

Breach of Contract Daniel M. Mullinex et. al. v. Sysco Spokane, Inc. (Eastern District of Washington, Case No. CV-13-305-LRS): Testifying expert to plaintiff counsel in the analysis of a contract “earn-out” provision and the use of Generally Accepted Accounting Principles to determine amounts owed to Seller in connection with a business acquisition. Analyzed purchase agreement and all relevant terms, provided expert rebuttal report and deposition, identified previously unknown earn-out provisions that benefitted plaintiff, prepared trial support for plaintiff counsel and recommended strategies for mediation purposes. Result: Settlement. D

Breach of Contract The Baseball Club of Tacoma, LLC v. SDL Baseball Partners, LLC et. al. (Superior Court of the State of Washington for the County of King, Case No. 12-2-25136-3 SEA): Consulting expert to defense counsel related to the sale of the Tacoma Rainiers AAA baseball club to a Texas – based hedge fund where plaintiff alleged that the financial statements of the baseball club were materially misstated before the purchase and resulted in a significantly inflated purchase price. Analyzed and rebutted all financial statement allegations, discovered “offsets” to alleged financial statement adjustments, review and analysis of plaintiff and defense valuation reports, provided research and support necessary for “motion to compel” production of international accounting firm audit workpapers, reviewed audit workpapers and obtained support for conclusions drawn, prepared trial support for defense counsel. Result: Settlement.

Breach of Contract/Civil RICO The State of Oregon et. al. v. Oracle America, Inc. et. al. (The Circuit Court of the State of Oregon for the County of Marion, Case No. 3:14-cv-1532): Consulting expert to defense counsel related to damages alleged of \$6.5 billion over the purported failure of Oracle America, Inc. to properly complete websites and other consulting projects for Cover Oregon and the Oregon Health Authority. Conducted forensic audit of all amounts paid to Oracle America, Inc. by the State of Oregon, including reconciliation of all categories of cost paid and traced all amounts paid to invoices and bank statements. Conducted forensic audit of all amounts paid to the State of Oregon by the United States Federal Government for the same projects and calculated damages in connection with the amounts paid by the State of Oregon. Preparation of trial exhibits and other defense related consulting in preparation for trial. Result: Settlement.

Breach of Contract WSB Investments, LLC v. Pronghorn Development Company, LLC et. al. (Deschutes County Circuit Court, Case No. 11CV0180 ST): Testifying expert for defense counsel in connection with allegations by plaintiff of improper uses of “reserves” funds owned by homeowners’ association, overbillings of “common area maintenance” fees, and underpayment of homeowner association fees by developer, which in part resulted in the loss in value of plaintiff’s condominium investment. Analyzed financial statements and general ledgers of homeowners’ association, analyzed “reserves” studies calculating required reserves, analyzed whether developer failed to make required payments to homeowners’ association, analyzed whether homeowners failed to make required payments to the association, analyzed losses in plaintiff condominium investment caused by “market losses”, and prepared mediation exhibits and discovery requests in anticipation of trial. Result: Settlement.

Breach of Contract Janet C Powers Investments LLC et. al. v. The Lough Road, Inc. et. al. (Multnomah County Circuit Court, Case No. 1311-15313): Testifying expert for plaintiff counsel in connection with securities offering by new entity that became insolvent. Analyzed financial statements and financial solvency, quantified financial distress, reviewed related offering document disclosures, and testified at trial. Result: Defense verdict on legal issues. T

Breach of Contract First Financial Security, Inc. v. Freedom Equity Group, LLC (U.S. District Court, Northern District of California, San Jose Division, Case No. 15-cv-1893): Testifying expert for plaintiff counsel in connection with damages alleged by plaintiff when certain key employees of plaintiff left their employment with plaintiff and began working for defendant allegedly in violation of various agreements. Analyzed significant financial information, contracts and depositions, calculated lost profits of plaintiff and prepared expert report regarding damages and methodologies. Result: Settlement.

Breach of Contract MFG LLC dba International Business Associates v. Bonzi Technology, Inc. (Washington County Circuit Court, Case No. 16CV25518): Testifying expert for defense counsel in connection with allegations by plaintiff that a contract existed between plaintiff and defendant regarding business brokerage services and related commissions alleged to be owed by defendant. Analyzed technical resources available to plaintiff in connection with services alleged to have been provided, resources plaintiff utilized in performing services, experience of plaintiff in delivering services, specific advice and value-added services provided, and forensic audit analysis of the indicators of a contract and the value of services delivered. Testified at trial related to my work and opinions. Result: Plaintiff verdict on legal issues and settlement on alleged damages amount. T

Breach of Contract Lender/Property Owner v. Winery Company (A Matter of Arbitration, Portland, Oregon): Testifying expert for defense counsel in connection with breach of contract claims alleged by plaintiff where defendant asserted counterclaims of contract interference and alleged lost profits. Analyzed forecasted financial statements, sales history reports and conducted market research to determine lost profits associated with defendant's counter claims where historical financial statements were not presented into evidence, prepared damages report, trial exhibits, and testified at arbitration hearing. Result: Settlement.

Breach of Contract Business Owner v. Oregon State Social Services Organization (A Matter of Arbitration, Portland, Oregon): Testifying expert for plaintiff counsel in connection with breach of contract claims alleged by plaintiff where plaintiff asserted breach of contract and lost profits. Analyzed business agreement, historical and prospective financial information and income tax returns, conducted market research, prepared lost profits calculation associated with plaintiff claims, prepared trial exhibits and testified at arbitration hearing. Result: Pending.

Breach of Contract Jubitz Corporation v. Vancouver Hospitality Partners (Superior Court of the State of Washington for the County of Clark, Case No. 17-2-05075-3): Testifying expert to plaintiff's counsel in claims related to breach of contract of joint parking agreement of adjacent hotel property. Analyzed contract terms, financial information and prepared calculation of potential damages for mediation and trial purposes. Result: Settlement.

Breach of Contract Comforcare Hillsboro McMinnville Corporation v. Marissa Phillips and Because It's There, LLC. (Washington County Circuit Court, Case No. 18CV24348): Testifying expert to defense counsel in the calculation of potential damages alleged by plaintiff misappropriation of trade secrets case. Analyzed financial and franchise information, calculated potential damages, prepared mediation exhibits in anticipation of settlement or trial. Result: Settlement.

Breach of Contract Former Shareholder v. Service Company (A Matter of Arbitration, Portland, Oregon): Consulting expert for plaintiff counsel in connection with breach of contract claims related to earn-out provisions of a business sale agreement. Analyzed sale contract, financial statements, sales history reports and bank statements to determine additional purchase value withheld from Former Shareholder. Prepared damages report and exhibits in anticipation of trial or settlement. Result: Settlement.

Breach of Contract Keller Fruit et al. v. Washington State University et al. (Washington State Superior Court for Yakima County, Case No. 17-2-03310-39): Testifying expert for defense counsel in connection with economic damages sought by various apple growers and a packing company related to claims of breach of contract, tortious interference of contract, unjust enrichment, and other claims related to the WA-2 apple developed by WSU. Reviewed Plaintiff expert reports, prepared independent economic damages model, prepared rebuttal report refuting alleged damages, and prepared schedules and exhibits for mediation. Result: settlement.

Breach of Contract Service Provider v. Big Data Company (A Matter of Arbitration, Eugene, Oregon): Testifying expert for defense counsel in connection with breach of contract claims related to a vendor service data agreement. Analyzed agreement and related provisions, organized and structured approximately 1 terabyte of data in connection with claims, prepared damages analysis, and testified in arbitration. Result: Arbitration panel utilized my damages schedules in its award of damages. T

Breach of Fiduciary Duty Pendleton Grain Growers, Inc. et al. v. Farmers Warehouse and Commission Company (Washington State Superior Court for Klickitat County, Case No. 16-2-00120-9): Testifying expert to plaintiff counsel in case involving Horse Heaven Grain, LLC, a joint venture undertaken by both parties and where plaintiff alleged that defendant engaged in improper related party transactions, conflicts of interest, and failure to distribute Horse Heaven's cash flow. Performed an analysis of all related party transactions, prepared restated financial statements for litigation purposes, analyzed and rebutted business valuation prepared by defendant expert, prepared mediation exhibits and presentation, and assisted plaintiff counsel at mediation. Result: Summary judgement motion granted in favor of defendant.

Breach of Fiduciary Duty Thomas Michael Anderson, as Trustee for Timothy P. Moyer Trust et al. v. Fox Tower LLC et al. (Multnomah County Circuit Court, Case No. 1205-05664): Testifying expert to defense counsel in case alleging damages of \$4.5 million for breach of partnership agreements, conversion, breach of fiduciary duty, accounting and constructive trust. Analyzed all transactions alleged by plaintiff to determine proper accounting, prepared analysis and exhibits for trial or settlement purposes. Result: Settlement.

Breach of Fiduciary Duty David Giller v. Douglas Westervelt (Multnomah County Circuit Court, Case No. 1305-06470): Testifying expert to defense counsel in case alleging damages of \$6.3 million for breach of agreements, and breach of fiduciary duty. Analyzed related party transactions alleged by plaintiff to determine proper accounting, prepared analysis and exhibits for trial or settlement purposes. Result: Settlement.

Breach of Fiduciary Duty ABG V, LLC v. Alpenrose Company, Smith Brothers Farms, Inc. et. al (Multnomah County Circuit Court, Case No. 19CV35818): Testifying expert for plaintiff counsel in a case where 2% shareholders of a family-owned dairy commenced litigation to prevent the sale of the dairy to non-family owners claiming the Board of Directors of Alpenrose breached their fiduciary duty to the minority shareholders. Analyzed process of the Board related to the process for determining price and buyer, discovered unreported intangible lease value of approximately \$15 million which would accrue to majority owners, analyzed unreasonable sale terms and valuation of proposed sale below liquidation value, and testified in trial regarding the same. Result: Judicial ruling for 98% plaintiff group. T

Breach of Fiduciary Duty (Trustee) In the Matter of the Trusts created by Arthur Demuro (Deceased) (Multnomah County Circuit Court, Case No. 18PB05100): Testifying expert to defense counsel in case alleging Trustee breach of fiduciary duty, self-dealing, asset mismanagement, failure to keep adequate records, and inappropriate compensation among other items. Analyzed related trust agreements for permitted and prohibited transactions, reviewed financial information and tax returns, analyzed relevant transactions, prepared analysis of beneficiaries of relevant transactions, advised counsel related to each allegation for each transaction, prepared analysis and exhibits for trial or settlement purposes. Result: Settlement.

Breach of Fiduciary Duty (Trustee) CPA Trustee v. Trust Beneficiaries (A Matter of Arbitration, Eugene, Oregon): Testifying expert to defense counsel in case alleging Trustee breach of fiduciary duty, failure to administrate, failure to control and protect trust assets, and failure to inform and report. Analyzed related trust agreement for permitted and prohibited transactions, reviewed financial information, analyzed relevant transactions, performed all required trust accountings, prepared beneficiary asset reconciliation, prepared analysis and exhibits for trial or settlement purposes. Result: Settlement.

Business Valuation (Sale of Business) Manufacturing Company: Completed a full business appraisal of a multi-state manufacturing company for ownership transition purposes.

Business Valuation (Sale of Business) Manufacturing Company: Completed a full business appraisal of a manufacturing company for ownership transition purposes.

Business Valuation (Sale of Business) Agricultural Company: Tax consulting project to analyze and calculate potential discounts for lack of control and lack of marketability for ownership transition purposes.

Business Valuation (Estate Planning) Retail Shopping Center: Completed a full business appraisal of a retail shopping center for IRS gifting purposes.

Business Valuation (Litigation) Construction Company: Completed a full business appraisal of a large regional construction company for marital dissolution litigation purposes. Prior to business appraisal I analyzed financial statements, identified potential financial statement fraud, developed forensic accounting plan to corroborate red flags, prepared document production requests to independent certified public accounting firm and prepared mediation/trial slides. Result: Settlement and significant valuation differences due to discoveries of potential fraud. Result: Settlement.

Business Valuation (Litigation) Construction Company: Completed a full business appraisal of a construction company for shareholder litigation purposes. Prior to business appraisal I analyzed financial statements, identified potential financial statement fraud, developed forensic accounting plan to corroborate red flags, prepared document production requests to independent certified public accounting firm and prepared mediation/trial slides. Result: Settlement and significant valuation differences due to discoveries of potential fraud.

Business Valuation (Litigation) Logging Company: Completed a full business appraisal of a logging company for shareholder litigation purposes. Prior to business appraisal I analyzed financial statements, identified potential financial statement fraud, developed forensic accounting plan to corroborate red flags, prepared document production requests to independent certified public accounting firm and prepared mediation/trial slides. Result: Settlement and significant valuation differences due to discoveries of potential fraud.

Business Valuation (Litigation) Fabrication Company: Testifying expert for dispute related to Discount for Lack of Marketability for marital dissolution litigation purposes.

Business Valuation (Litigation) Service Company: Consulting expert for dispute related to Discount for Lack of Marketability for marital dissolution litigation purposes. Result: Settlement.

Business Valuation (Litigation) Hair Salon: Business appraisal of a well-known hair salon for marital dissolution litigation purposes. Prior to business appraisal I analyzed financial statements, identified potential financial statement fraud, developed forensic accounting plan to corroborate red flags, prepared document production requests to independent certified public accounting firm and others, reviewed bank statements and prepared adjustments to financial statements which enhanced value to accurate amounts. Result: Settlement.

Business Valuation (Sale of Business) Health and Beauty Service Provider: Business appraisal of a well-known health and beauty service provider for sale to outside investor group.

Business Valuation (Shareholder Buy-out) Construction supply wholesaler: Business appraisal of a regional construction supply wholesaler for buyout of minority investor.

Business Valuation (Litigation) Software and Service Company: Business appraisal of out-of state software and service company in marital dissolution matter.

Business Valuation (Collaborative Marital Dissolution) Construction and Medical Companies: Completed multiple business appraisals of related entities for collaborative marital dissolution litigation purposes. Prior to business appraisal I analyzed financial statements, identified red-flags of misstatements, developed forensic accounting plan to investigate red flags, prepared summaries for both parties, discussed with both parties the items within my valuations that an independent expert for either party could disagree with and exploit arguments for value increase or decrease and the reasons why those arguments would likely fail, communicated with all parties at the same time and facilitated both parties' desire to settle. Result: Settlement.

Business Valuation (Litigation) Vilkin v. Vilkin (Clark County District Court): Business appraisal of a well-known coin dealer located in Vancouver, Washington for marital dissolution litigation purposes. Prior to business appraisal I analyzed financial statements, identified potential risk factors, prepared document production requests, prepared adjustments to financial statements, testified in trial regarding the valuation and a rebuttal of opposing expert valuation. Result: Settlement. T

Cannabis – Wrongful Death Estate of Connor William Tarr v. USF Reddaway, Inc. (Oregon District Court, Case No. 3:15-cv-02243): Testifying expert to defense counsel of interstate trucking company accused of negligence in the death of a former United States Veteran and damages alleged of approximately \$66 million. Analyzed allegations and damages claims, performed market analysis of industry the decedent worked in, analyzed decedent’s earning potential and earning potential of business decedent worked in to determine whether any of the damages alleged were “reasonably certain”, prepared financial analysis and related exhibits in anticipation of mediation and trial. Result: Settlement.

Cannabis – Product Liability and Lost Profits J. Lilly, LLC v. Clearspan Fabric Structures International, Inc. and Storm Construction, LLC (Washington County Circuit Court, Case No. 3:18-cv-01104): Testifying expert to defense counsel in the analysis of “lost profits” and other damages estimated at \$5.4 million in connection with alleged defective products and construction. Analyzed potential damages, market data, financial information and prepared analysis of actual potential damages and exhibits for mediation and trial purposes. Result: Settlement.

Civil Defense United States of America Securities & Exchange Commission v. C. Paul Sandifur Jr. (Washington Western District Court, Case No. C05-01631-JCC): Consulting expert for defense counsel in trial related to public company executive accused of fraud and lying to public company auditors. Analyzed multiple complex real estate purchase and sales transactions, adherence to Generally Accepted Accounting Principles (GAAP), analyzed standard of care violations of “Big-4” accounting firm in connection with the audit of financial statements, prepared for, reviewed and analyzed numerous depositions, and provided trial preparation support. Result: Settlement.

Civil Rights Derek Johnson, personal representative of Kelly Conrad Green II (deceased) v. Corizon Health, Inc. et al. (District Court of Oregon – Eugene Division, Case No. 6:13-cv-01855-TC): Testifying expert for plaintiff counsel involving analysis of punitive damages request in trial involving alleged civil rights violations and subsequent death of plaintiff. Analyzed financial information and financial statements of defendant to determine ability to pay substantial punitive damages requested by plaintiff counsel. Prepared analysis and presentation for counsel. Result: Settlement.

Class Action – Professional Malpractice and Securities Fraud Class Action and “Mass Action” lawsuits (5 separate) v. Deloitte, TD Ameritrade and 4 other law firms and professional firms (U.S. District Court and Oregon state court): Consulting expert to defense counsel in connection with claims Defendant “participated in or materially aided” in certain securities sales by Oregon-based Aequitas Capital Management in violation of Oregon Securities Laws and where plaintiffs alleged losses of \$617 million. Investigated allegations and various transactions, analyzed multiple claims made by plaintiff counsel, applied analysis to claims made and prepared case presentations for mediation. Result: Settlement.

Class Action – Professional Malpractice and Securities Fraud U.S. District Court Appointed Receiver Michael Grassmuck for Plaintiffs v. Grove, Mueller & Swank, P.C. (Oregon District Court, Case No. 09-6056-HO): Consulting expert to Receiver for analysis of claims and damages against local accounting firm involved in providing audited financial statements and income tax services to multiple entities included in the Sunwest enterprise of companies (Sunwest was the largest privately owned Assisted Living Facility in the United States and had over \$2 billion of debt). Analyzed audited financial statements and related disclosures, income tax returns and other discovery documents. Identified professional standard of care violations related to proper disclosures in financial statement footnotes, required communications to investors, departures from Generally Accepted Accounting Principles (GAAP) reported upon in financial statements, failures to consolidate financial statements of the enterprise, and failures to record off-balance sheet financing identified during discovery. Prepared exhibits and plaintiff counsel for mediation and trial. Result: Settlement.

Class Action – Professional Malpractice and Securities Fraud U.S. District Court Appointed Receiver Michael Grassmuck for Plaintiffs v. Geffen Mesher & Company, P.C. (Oregon District Court, Case No. 6:2010cv06335): Consulting expert to Receiver for analysis of claims and damages against local accounting firm involved in providing audited financial statements and preparation of Securities and Exchange Commission (SEC) filings for an entity included in the Sunwest enterprise of companies. Analyzed audited financial statements and related SEC filings, along with other discovery documents. Analyzed professional standard of care related to disclosures in financial statements, professional standards related to Generally Accepted Accounting Principles (GAAP) and Generally Accepted Auditing Standards (GAAS). Prepared exhibits and plaintiff counsel for mediation. Result: Settlement.

Class Action – Professional Malpractice and Abusive Tax Shelter In re Metropolitan Securities Litigation (Investors v. PriceWaterhouseCoopers & Ernst & Young Accounting international accounting firms – Washington Eastern District Court, Case No. 2:2004cv00025): Consulting expert to plaintiff counsel in Class Action litigation related to standard of care violations of international accounting firm (PWC) accused of selling and promoting abusive tax shelter products as well as rendering false opinions on audited financial statements (along with E&Y) of publicly traded company. Analyzed financial statements and transactions for adherence to Generally Accepted Accounting Principles (GAAP), analyzed standard of care violations of accounting firms regarding sale and promotion of abusive tax shelter products, determined errors in financial statement line items related to income tax provision and liabilities, identified IRS regulations that prevented accounting firm from relying on engagement letter with respect to limitations on damages, identified and recommended former IRS tax shelter agents for testifying purposes. Result: \$28 million settlement reported by newspapers.

Class Action – Economic Damages Stewart v. Albertson’s, Inc. (Multnomah County Circuit Court, Case No. 16-CV-15125: Defense counsel expert in connection with claims related to the Unlawful Trade Practices Act (“UTPA”) whereby Plaintiffs alleged that Albertson’s improperly inflated regular prices of meat products in order to pass along the cost of “free” items to consumers through “buy one get one free” and “buy one get two free” promotions. Programmed and analyzed large transaction data sets to identify pricing models and trends giving rise to UPC items that may be subject to damages calculation, start and end of damages period (by store and UPC), benchmarked to UTPA requirements, calculated potential (actual and statutory) damages scenarios, and prepared mediation exhibits to law firms for settlement purposes. Result: Settlement.

Class Action – Economic Damages Jeffrey Jackson v. Moda Health Plans, Inc. (Circuit Court for the State of Oregon for Multnomah County, Case No. 22CV05812: Defense counsel expert in connection with claims related to breach of contract for secondary insurance policy plan requirements. Reviewed multiple secondary insurance policy plans and requirements, analyzed large transaction data sets to identify potential damages related to specific claims, tested defendant’s re-calculations of secondary insurance claims, and prepared mediation exhibits to law firms for settlement purposes. Result: Settlement.

Construction Developer/Home Owner Association Tanglewood Hills Condominium Association v. Tanglewood Associates LLC et al (Clackamas County Circuit Court, Case No. CV05100865): Testifying expert for defense counsel in lawsuit by HOA alleging fraudulent conveyance, negligence and breach of contract. Evaluated financial statements and transactions. Analyzed claims and provided support for trial preparation. Result: Settlement.

Construction Developer/Home Owner Association The Association of Unit Owners of Washing Park Condominiums v. Park West Associates, LLC, et. al. (Multnomah County Circuit Court, Case No. 0702-01228): Testifying expert for defense counsel in lawsuit by HOA alleging negligence and breach of contract. Evaluated financial statements and transactions. Analyzed claims and provided support for trial preparation. Result: Settlement.

Construction Developer/Builder (Undisclosed Home Owner Association v. Contractor): Consulting expert for defendant in lawsuit filed by HOA alleging \$5 million in damages for negligence and breach of contract. Assisted defendant in preparing defense strategy and identified causation issues, prepared requests for production, provided information necessary for depositions of plaintiff, recommended strategy for mediation purposes. Result: Settlement - \$16,000.

Construction Product Defect/Apartments 12W RPO, LLC et al v. Victaulic Company (Oregon District Court – Portland Division, Case No. 3: 15-cv-0 14 1 1-MO): Testifying expert for plaintiff counsel in a case involving lost profits sustained by plaintiff due to allegations of construction plumbing product defects occurring in a large apartment building (sky scraper) located in Portland, OR. Reviewed historical financial statements, rent rolls, market information, deposition and other data to calculate damages in support of amounts represented by plaintiff, prepared multiple rebuttal expert reports in connection with defense counsel expert reports rebutting plaintiff damages calculations, provided independent lost profits calculations and deposition, prepared analysis in support of multiple Motions filed against plaintiff, prepared mediation and trial exhibits. Result: Settlement. D

Construction Developer/Builder Ventana Partners v. Chicago Title, Inc. (Multnomah County Circuit Court, Case No. 0805-07701): Testifying expert for defendant in lawsuit filed by developer / builder alleging breach of contract for title issues, including damages. Assisted defendant in preparing defense strategy, identified causation issues, prepared requests for production, analyzed lost profits claims, prepared timeline of alleged losses, calculated actual potential damages, identified additional 3rd party defendants, provided information necessary for depositions, and prepared exhibits for mediation or trial. Result: Settlement.

Construction Negligence/Hotel New National, LLC v. Reliance Construction Company et al.

(Circuit Court of the Eleventh Judicial Circuit in and for Miami Dade County, Florida, Case No. 2015-00612-CA-01): Testifying and joint defense counsel expert for multiple architects and engineering professionals in a case involving alleged construction negligence occurring in a large renovation of a Miami Beach hotel. Reviewed historical financial statements, occupancy and STR data, and deposition transcripts, prepared rebuttal report of plaintiff expert damages report demonstrating lack of “reasonable certainty” in plaintiff calculations, assisted defense counsel in numerous court motions, identified specific discovery items not previously requested, prepared analysis for motion to compel production of the newly identified information that provided significant value for defendants once received, provided deposition, mediation and trial exhibits. Result: Settlement. D

Corporate Veil and Breach of Fiduciary Duty (Family Shareholder v. Family Owned Business and Sibling Shareholders): Testifying expert for defense counsel in arbitration matter brought by a sibling shareholder of a substantial family owned farming enterprise where plaintiff alleged usurpation of corporate opportunity and breach of fiduciary duties, and where plaintiff sought to pierce the corporate veil and receive a court ordered liquidation and distribution of all corporate assets. Analyzed financial statements and general ledger detail from inception for numerous entities to develop defense exhibits, diagramed complex flow of funds between multiple entities, developed valuation expectations and settlement options, prepared witnesses for testimony, consulted with mediators related to income tax and settlement issues, and prepared testimony and related trial exhibits for testimony. Result: Settlement.

Corporate Veil Hendgen McMinville LB LLC v. Summercrest Development, LLC et al (Washington County Circuit Court, Case No. C101209CV): Testifying expert for plaintiff counsel in trial regarding counterclaim brought by defendant alleging corporate “milking” and other allegations in an attempt to pierce the corporate veil. Evaluated financial statements and transactions, contracts and other related documents. Analyzed claims and provided testimony at trial. Result: Jury verdict for plaintiff. T

Corporate Veil (California State Compensation Insurance Fund v. Undisclosed Policy Holders): Consulting expert to plaintiff Insurance Company alleging breach of contract and intentional misrepresentations by policy holder. Appointed by Insurance Company in vigorously contested lawsuit after discovery requests made by collection agency had lapsed, but prior to plan to dismiss case against defendant. Analyzed initial discovery requests and prepared discovery plan intended to yield more useful, yet not duplicative information from defendants than previously requested. Assisted plaintiff counsel in preparing litigation plan to pierce the corporate veil of defendant entities and recover directly from its owners. Prepared written discovery requests, assisted counsel in writing motions to compel defendants to release additional discovery requested, analyzed information received from defendants, identified additional related party individuals and corporations that could be named as additional defendants, analyzed transactions and documents that led to plaintiff amending complaint and seeking to pierce the corporate veil and recovery directly from the business owners, and evaluated and recommended potential testifying experts for trial. Discovery requests and litigation plan prepared with my assistance in this case have since been used by California State Compensation Insurance Fund as a template for all similar cases. Result: Settlement.

Criminal Defense United States of America v. David Shelofsky (Oregon District Court, Case No. CR-06-415-KI): Testifying expert for defense counsel in trial related to embezzlement from major United States financial institution. Assisted counsel in analysis of transactions, forensic review of multiple bank accounts and real estate transactions, prepared damage report, conferred with United States Assistant Attorney, United States District Court Judge, Federal Bureau of Investigation and bank executives. Result: No disgorgement of defendant's net worth in penalty phase of trial and no other individuals indicted in scheme.

Criminal Defense United States of America v. Thomas G. Turner (Washington Western District Court, Case No. CR-05-355C): Testifying expert for defense counsel in trial related to public company executive accused of fraud and lying to public company auditors. Analyzed multiple complex real estate purchase and sales transactions, adherence to Generally Accepted Accounting Principles (GAAP), analyzed standard of care violations of "Big-4" accounting firm in connection with the audit of financial statements, reviewed / analyzed numerous depositions, and provided testimony in federal court. Result: Jury verdict guilty on other counts. T

Criminal Defense (Undisclosed Bookkeeper): Consulting expert for defense counsel in matter involving a bookkeeper accused of embezzling funds from her former employer. Prepared forensic analysis of transactions in multiple bank accounts and credit card statements, reviewed and analyzed police detective's report, and prepared multiple reports for review by police detective and county district attorney. Result: No criminal indictment.

Criminal Defense (Undisclosed Corporate Executive): Consulting expert to white-collar criminal defense counsel in connection with corporate executive who was investigated by the U. S. Securities & Exchange Commission related to his role and fault in accounting irregularities that led to significant restatements of publicly filed financial statements and disclosures. Analyzed executive's role in corporation, analyzed disclosures that executive made to other officers inside the company related to financial transactions, analyzed the standard of care related to financial executives of the company, analyzed company documents related to the restatement issues, prepared potential deposition related questions and interviewed client according to those potential questions and issues, assisted in evaluating potential claims against corporation. Result: No criminal indictment.

Criminal Defense United States of America v. Jon Michael Harder (Oregon District Court, Case No. 3:12-CR-00485-KJ): Consulting expert for defense counsel related to Chief Executive Officer of Sunwest Assisted Living enterprise accused of wire and mail fraud and defrauding investors out of approximately \$130 million. The Sunwest enterprise was the largest privately held senior housing company in the United States with over 700 related entities and real estate valued in excess of \$5 billion. Recommended case strategies related to reliance on independent certified public accounting firms and hundreds of financial statement audits that were performed, recommended case strategies related to "pooling of funds" and Mr. Harder's assertion that its entities were not "commingled", recommended case strategies related to prohibited related party transactions, calculated Mr. Harder's economic status as a "net lender" to Sunwest (instead of an embezzler), prepared summary analysis of market losses in all real estate segments during the relevant periods to highlight loss causation issues, and analyzed numerous Private Offering Memorandums ("PPM") to identify areas where representations differed from actual events. Result: Plea agreement.

Embezzlement (Construction Company v. Chief Financial Officer): Testifying expert to plaintiff counsel representing a well-known construction company that was a victim of embezzlement by its Chief Financial Officer and minority shareholder. Provided forensic analysis of transactions, prepared damage report and negotiated with defense counsel. Result: Settlement and all amounts recovered.

Employment (Former Chief Financial Officer v. Former Employer): Testifying expert for defense counsel in wrongful termination claim by former Chief Financial Officer. Review of work product prepared by CFO, evaluated accuracy of work product, evaluated failure to follow professional accounting standards, provided consultation related to settlement. Result: Settlement.

Employment Gary and Susan Carlson v. American Pacific Mortgage Corporation (United States District Court for the Western District of Washington, Case No. 2:14-CV-01141-RSM): Testifying expert for defense counsel in wrongful termination case and dispute involving the calculation of bonuses earned by plaintiffs in connection with employment agreements and related amendments. Reviewed financial statements, analyzed errors causing inflated income levels, prepared schedules calculating specific bonuses earned vs. claimed and prepared expert report for federal court. Result: Settlement.

Employment Vernon Banta v. The City of Merrill, Oregon (Oregon District Court, Case No. 06-CV3003-CL): Testifying expert for plaintiff counsel in wrongful termination case. Prepared damage model for lost income, wages, and benefits and testified in federal court. Result: Jury verdict for plaintiff. T

Employment (Former Employee v. Foreign Resort Operator): Testifying expert for defense counsel involving claims made by former Employee related to fraud, embezzlement, breach of U.S. national security, and tax evasion in U.S. and foreign territories. Reviewed and analyzed complex international corporate and related party structures, income tax returns and financial statements, bank statements, other documents, and interviewed witnesses. Provided income tax research, corporate structuring advice, analyzed U.S. and international investments, identified professional malpractice claims against 3rd party accounting firm, and provided advice and information in connection with settlement discussions and mediation. Result: Settlement.

Employment Terry Peters and Douglas Schroeder v. Seeds, Inc. (Washington State Superior Court in and for Whitman County, Case No. 14-2-00266-0): Testifying expert for defense counsel involving claims made by former CEO and CFO related to breach of employment agreement and failure to pay wages. Reviewed financial records and financial statements and discovered evidence of misappropriation of company assets by plaintiffs. Performed forensic analysis of issues discovered and calculated amounts in excess of damages claimed by plaintiffs. Provided deposition and prepared mediation and trial exhibits. Result: Settlement. D

Employment and ERISA Violations Nicki Cribbs v. Stacey Clark, DPM, PC et al. (Oregon District Court, Case No. 2:17CV00724-SU): Testifying expert for defense counsel in a case involving a former employee who sued a former employer alleging violations of ERISA laws, fraud and misrepresentation. Performed forensic analysis of documents, retirement plan contributions made compared to required contributions, prepared mediation and trial exhibits. Result: Settlement.

Employment and Whistleblower Retaliation Pieter Smeenk v. Michael Faught and The City of Ashland (Oregon District Court Case No. 1:17-CV-01466-CL): Testifying expert for defense counsel in a case involving a former employee who sued the City for wrongful termination and whistleblower retaliation. Analyzed Plaintiff damages calculations, prepared independent damages calculations, expert report, trial exhibits, and testified in trial. Result: Jury verdict for Plaintiff and damages amount equal to defense expert calculations. T

Employment and Business Valuation Mental Health Care Provider v. Former Shareholder and Chief Executive Officer (Private Arbitration Matter): Testifying expert for plaintiff counsel involving counter claims made by former shareholder and CEO related to wrongful termination and business valuation. Analyzed financial statements, projections and budgets, and other financial information, prepared an independent business valuation and trial exhibits supporting my testimony that opposing expert report and testimony should be entirely disregarded in favor of my analysis. Result: Arbitration ruling in favor of plaintiff and opposing expert opinion was excluded as by panel. T

Employment and Financial Officer Fiduciary Duty Northwest Tower Crane Services, Inc. v. Donna L. Angevine (Superior Court of Washington for King County Case No. 19-2-17353-0-KNT): Testifying expert for plaintiff counsel in a case involving a former financial officer accused of misappropriation. Analyzed expert reports with respect to the actions of Defendant, analyzed the standard of care and fiduciary duties of a financial officer, and testified in connection with her alleged actions that violated her fiduciary duty and the standard of care expected of a financial officer. Result: Settlement. D

Employment and Business Valuation Tim Bauman v. Sports IT dba Dash Platform ((Superior Court of Washington for King County Case No. 21-2-04287-9-SEA): Testifying expert for defense counsel involving counter claims made by former shareholder and CEO related to employment discrimination and relation to business valuation. Analyzed prior business valuations of Sports IT and other financial information, prepared trial testimony and exhibits supporting my testimony that the valuation increases of Sports IT were largely disconnected from the work of the former CEO due to changes in valuation methodologies and assumptions between appraisals. Result: Settlement. D

Employment and Lost profits First Interstate Bank et.al. v. David Hubert et. Al. (Wyoming District Court, Case No. 21-CV-00067-NDF): Testifying economic damages expert for plaintiff counsel involving claims made by former employer regarding Defend Trade Secrets Act, Wyoming Uniform Trade Secrets Act, Duty of Loyalty, Breach of Contract, Conversion, and Tortious Interference in connection with alleged conduct of former employees. Analyzed numerous loans that were paid off prior to maturity and refinanced at another local bank, recommended components of damages, including lost profits, prepared trial testimony and exhibits supporting my testimony. Result: Case ongoing. D

Family Matter and Tax Nexus Boyd v. Boyd (Washington County Domestic Dispute): Testifying expert for Petitioner in a domestic dispute where questions arose related to the location of Respondent's alleged residency as a travel nurse and whether Respondent's income exceeded the amounts claimed on individual income tax returns. Analyzed nexus issues related to Oregon, Washington and California to determine location of legal residency, analyzed income tax returns, bank statements and related documents to determine the amount of deposits that were in excess of amounts claimed on tax returns, prepared trial exhibits and testified in trial. Result: Judgment for Petitioner. T

Fraudulent Transfer Act Malbco Holdings, LLC. v. Bhupendra R. Patel et. al. (Oregon District Court, Case No. 3:14-cv-947-PK): Testifying expert for defense counsel involving a case where Defendants guaranteed a \$4.3 million construction promissory note that was in default and later transferred to the plaintiff who obtained a judgement against defendants. In connection with collection efforts, the plaintiff alleged that defendants improperly transferred assets between each other and between related entities owned or controlled by defendants. Analyzed significant intercompany transactions, recommended adjustments to financial statements to properly account for current and previous transactions, analyzed income and gift tax returns and recommended strategies to minimize tax effects of transfers. Prepared forensic reports, expert report, analyzed opposing counsel expert reports, provided rebuttal arguments and cross-examination issues for defense counsel consideration. Result: Settlement.

Fraudulent Transfer Act Reggie Williams v. Metal Polishing By Timothy, Inc. et. al. (Multnomah County Court, Case No. 17cv26494): Testifying expert for defense counsel involving a case where plaintiff alleged fraudulent transfers to avoid paying a judgement awarded to plaintiff. Analyzed related party and other transactions, analyzed accounting treatment for each transfer, prepared analysis and exhibits in anticipation of trial or settlement. Result: Settlement.

Governmental Damages and Lost Profits Jerry Bird v. Oregon Commission for the Blind (United States Department of Rehabilitation Services Administration – In the Matter of the Arbitration Remand), Portland, Oregon): Testifying expert for Complainant's counsel in connection with damages related to lost profits of vending contracts. Analyzed historical and prospective financial information, expected retirement and life expectancy, prepared analysis of lost profits using discounted expected cash flows and presented testimony and exhibits in a 3-panel arbitration hearing. Result: Judgement in favor of Complainant with Panel citing, "The panel finds that monthly damages are to be computed based on the testimony of Certified Public Accountant William Holmes, who was accepted as an expert without objection from OCB." T

Governmental Action – New Market Tax Credits (Business Oregon v. Ecotrust CDE, LLC) Testifying expert for defense counsel in connection with allegations Ecotrust violated the requirements of the Oregon New Market Tax Credit program related to Rough & Ready Lumber Company. Analyzed technical requirements of NMTC investment requirements, benchmarked requirements against Rough & Ready Lumber Company structure, provided advice to counsel regarding potential 3rd party liability for any requirements potentially not met, and prepared exhibits for mediation purposes. Result: Settlement.

Home-Owner Association (HOA)/Member Horst Meister v. Kingsgate Park Condominium Homeowners' Association (Clackamas County Circuit Court, Case No. 16-CV-32887): Testifying expert for defense counsel in case involving a member of homeowners' association who asserted over-billing for assessments on the part of the association. Reviewed loan agreements, contracts, accounting records, board minutes and other information, prepared analysis of charges that should have been assessed to each homeowner and compared that to amounts actually assessed to determine that no over charges had been assessed. Prepared financial analysis, mediation and trial exhibits and participated in mediation. Result: Settlement.

Insurance Archaeology and Coverage Analysis Roman Catholic Church in the State of Hawaii v. First Insurance Company of Hawaii (Circuit Court of the First Circuit for the State of Hawaii, Case No. 16-1-0071-01): Testifying expert to plaintiff counsel in matters involving disputes related to the existence and amount of general liability insurance coverage obtained by plaintiff from at least 1951 and continuing through 1987 where numerous policy documents were allegedly not maintained by either party. Performed an extensive analysis of discovered historical accounting ledgers, analyzed manual entries and journal entry notes, prepared analysis of annual or policy period premium expense, analyzed the limited insurance documents that were found, prepared an analysis of policy existence and a financial analysis of estimated policy limits for each year which included economic and market factors influencing insurance premiums. Provided exhibits and testimony for mediation, rebutted opposing expert analysis (which did not dispute my conclusions), and provided testimony and exhibits for depositions and trial. Result: Settlement. D

Insurance Coverage – Lost Profits Policy Holder v. National Insurance Company (Pre-litigation Matter) Consulting expert to insurance company in the analysis of “lost profits” claims made by policy holder in connection with damages sustained in a property casualty event. Analyzed Policy Holder demand for damages, reviewed financial information, performed analysis of inventory, gross margins, capacity and pricing to calculate actual potential damages and exhibits for settlement purposes. Result: Settlement.

Intellectual Property Infringement Catalogue Creatives, Inc. v. Pacific Spirit Corporation et. al. (Oregon District Court, Case No. 3:2003cv00966): Testifying expert to plaintiff counsel in trial related to infringement of intellectual property rights. Reviewed financial statements and related financial information of defendant, calculated damages, and testified in federal court. Result: Defense verdict (liability). T

Intellectual Property / Commercial Contract Dispute (National Gaming Company v. International Gaming Company): Consulting expert to plaintiff counsel in dispute related to breach of contract for failure to pay for acquired intellectual property rights of on-line gaming technology. Reviewed purchase and sales agreement for plaintiff, analyzed sales by customer information, researched market trends and market share for on-line gaming associated with plaintiff technology, prepared complex damage report in excess of \$300 million. Result: Statute of Limitations barred claims.

Intellectual Property Infringement Beaming White LLC v. Whiten My Smile Now et. al. (Western District of Washington Court, Case No. 3:16-cv-05858): Testifying expert to plaintiff counsel in trial related to infringement of intellectual property rights, including trademark and copyright infringement. Reviewed financial statements and related financial information of defendant, calculated damages, and prepared exhibits in anticipation of trial or settlement. Result: Settlement.

Intellectual Property Infringement American Leasing Company et al. v. Continental Bank and Summit Leasing, Inc. (Oregon District Court, Case No. 3:17-cv-00183-YY): Testifying expert to defense counsel in claims related to breach of contract and infringement of intellectual property rights. Reviewed financial statements and prepared analysis to refute plaintiff claims of damages, prepared exhibits for mediation and potential trial. Result: Settlement.

Intellectual Property Infringement Adidas America, Inc. v. Fashion Nova, Inc. (Oregon District Court, Case No. 3:19cv740-AC): Testifying expert to defense counsel in trial related to infringement of intellectual property rights in connection with multiple product lines. Reviewed financial information of defendant related to alleged product infringement, programmed large data sets to calculate potential damages scenarios and testified in federal court deposition. Result: Settlement. D

Intellectual Property Infringement Veracities PBC v. Russell Strand et al. (Oregon District Court, Case No. 3:19-cv-1712): Testifying expert to defense counsel in claims related to trademark infringement, breach of contract, etc. Reviewed financial information of defendant related to alleged infringement, calculated potential Lanham Act damages, prepared expert and rebuttal expert report, and provided deposition testimony. Result: Settlement. D

Intellectual Property Infringement Dr. Arnaud Versluys et al. v. White Pine Circle LLC et al. (Oregon District Court, Case No. 3:21-cv-1694): Testifying expert to defense counsel in connection with damages alleged pursuant to copyright infringement and breach of contract claims. Reviewed financial information of defendant related to alleged infringement, calculated potential Lanham Act damages, prepared rebuttal expert report, and provided deposition testimony. Result: Settlement. D

Mediator (Mr. Dale Ebel v. Rolling Hills Community Church): Mediated dispute between high profile and founding pastor of “mega-church” and the church Board of Elders which threatened to fracture congregation and ultimate financial stability of debt financed church. Consulted separately with pastor and Board of Elders on multiple occasions in connection with exit planning for both parties and “messaging” to church congregation and other parties. Analyzed requirements and needs of each party and proposed exit plans that met needs of both parties. Negotiated with both parties to accept compromise of desires, consulted with law firm on separation agreement, and interfaced between all parties who did not want attorneys present in any discussions. Result: Settlement.

Mortgage Fraud (Qui Tam) (Individual v. Fortune 100 Financial Institution): Consulting expert to plaintiff counsel in whistle-blower case involving allegations of mortgage fraud and violations of REMIC laws. Analysis included analyzing all major aspects of REMIC compared to facts in the case and disclosures included in Prospectus. Analyzed various damage methodologies in connection with case, prepared damage calculation related to securities sold by certain Trusts and assisted counsel in drafting complaint. Result: Unknown.

Mortgage Fraud (Undisclosed Individual v. Ticor Title Company): Testifying expert for plaintiff who was victim of alleged mortgage fraud perpetrated by her former husband resulting in the loss of her principle residence and credit standing. Forensic analysis included review of bank statements, credit card transactions, and HUD closing escrow statements. Calculation of damages and assistance to plaintiff counsel in preparation of depositions and trial. Result: Settlement.

Personal Injury (Individual v. Farmers Insurance): Testifying expert for defense counsel in lawsuit alleging lost wages and business income related to automobile accident. Analyzed multiple years of personal and business income tax returns, industry market trends, deposition transcripts, company statistics and economic indicators. Determined that actual losses sustained by plaintiff were minimal compared to amounts alleged. Prepared damage report, deposition questions, trial exhibits and settlement analysis. Result: Settlement.

Personal Injury Uno v. Provident Life Accident Insurance Company (Coos County Circuit Court of Oregon, Case No. 06CV0163): Testifying expert for defense counsel in lawsuit alleging lost wages and business income related to automobile accident. Analyzed multiple years of personal and business income tax returns, industry market trends, deposition transcripts, company statistics and economic indicators. Determined that actual losses sustained by plaintiff were minimal compared to amounts alleged. Prepared damage report, deposition questions, trial exhibits and settlement analysis. Result: Settlement.

Personal Injury and Lost Profits (Undisclosed Individual v. The Hartford Insurance Company): Testifying expert for defense counsel in lawsuit alleging lost wages and business income due to automobile accident. Plaintiff sued for policy limits and alleged that auto injuries forced the sale of his businesses. Analyzed income tax returns, employment and earnings history, purchase and sale agreements, deposition transcripts, and other financial records. Discovered Plaintiff had determined to sell business prior to accident date and another business was actually a hobby. Determined that loss sustained by plaintiff was a fraction of amounts alleged. Prepared comprehensive damage and forensic report. Result: Settlement.

Personal Injury and Lost Profits Carl F. Burkheimer v. Wanda Gay Barkhurst (Deschutes County Circuit Court of Oregon, Case No. 15cv33549): Testifying expert for defense counsel in lawsuit alleging business income related to automobile accident. Analyzed multiple years of personal and business income tax returns, industry market trends, deposition transcripts, company statistics, capacity constraints and economic indicators. Determined that actual losses sustained by plaintiff were minimal compared to amounts alleged. Prepared damage report, deposition questions, mediation and trial exhibits. Result: Settlement.

Personal Injury and Lost Earnings Jenny Shockney v. Eric Osborne (Circuit Court of the State of Oregon for the County of Crook, Case No. 18CV07926): Testifying expert for defense counsel in lawsuit alleging lost income due to injuries from a car accident caused by defendant. Reviewed components of damages claimed by Plaintiff, prepared independent damages analysis and trial exhibits, and testified in Court. Result: Jury verdict for Plaintiff with damages awarded at defense expert amounts. T

Personal Injury and Lost Earnings (Jones Act) Mark McKinley v. Foss Maritime Company (Oregon District Court, Case No. 3:18-CV-00799-HZ): Testifying expert to defense counsel in connection with damages alleged from personal injuries suffered during tug-boat operations. Analyzed damages alleged by plaintiff, developed independent calculation of potential damages, and prepared exhibits for mediation. Result: Settlement.

Personal Injury and Lost Earnings Darin Rowden Et. al v. Hogan Woods, LLC et. al. (Circuit Court of the State of Oregon for the County of Multnomah, Case No. 15CV09483): Testifying expert for plaintiff counsel in lawsuit alleging lost income and physical harm due to allegations of mold injuries from defective apartment buildings. Suggested components of damages, prepared damages analysis and trial exhibits, and testified in Court. Result: Jury verdict for Plaintiff with damages awarded at plaintiff calculated amounts. T

Personal Injury and Lost Earnings Hunter Slimak v. Purcell Tire and Rubber Company et. al. (Circuit Court of the State of Oregon for the County of Multnomah, Case No. 21CV46966): Testifying expert for defense counsel in lawsuit involving a burn victim where plaintiff sought economic and non-economic damages, including punitive damages from work related accident. Analyzed components and calculations of damages, analyzed financial and non-financial information to determine financial capability and viability under various potential damages amounts, and prepared mediation exhibits. Result: Settlement.

Product Liability and Lost Profits Unnamed Parts Manufacturer v. Unnamed Equipment Manufacturer (American Arbitration Association): Testifying expert to defense counsel in the analysis of “lost profits” claims alleged in connection with breach of contract claims where defendant was alleged to have manufactured faulty equipment. Analysis of plaintiff expert report, rebuttal of all assumptions utilized by plaintiff expert, preparation of independent “lost profits” analysis which calculated no damages and further disclosed that plaintiff was in a continual loss situation that would have been made worse if the equipment was working correctly. Result: Settlement.

Product Liability and Lost Profits Trailblazer Food Products v. Silgan White Cap (Oregon District Court – Portland Division, Case No. 3:15-cv-00417-RC): Testifying expert to defense counsel in the analysis of “lost profits” claims alleged in connection with negligence claims where defendant was alleged to have manufactured faulty products causing \$10 million in damages. Analyzed potential damages and prepared defense expert report, analyzed and rebutted plaintiff expert report, provided deposition testimony, prepared trial exhibits in anticipation of settlement or trial. Result: Settlement. D

Product Liability and Lost Profits West Linn Paper Company v. Columbia River Carbonates et al. (Oregon District Court – Portland Division, Case No.): Testifying expert to plaintiff counsel in the calculation of “lost profits” in connection with claims where defendant supplied faulty products. Analyzed financial and market information, calculated potential damages, prepared mediation exhibits in anticipation of settlement or trial. Result: Settlement.

Product Liability and Lost Profits Oregon Potato Company v. Apollo Sheet Metal, Inc. and Burner Control Technology, Inc. (Superior Court of Washington for Grant County, Case No. 23-2-00038-13): Testifying expert to defense counsel in insurance subrogation case related to multiple insurance companies and claims of property damage and lost profits of approximately \$70 million. Analyzed multiple expert reports from opposing experts, obtained discovery documents and financial information not relied upon by opposing experts, analyzed Plaintiff’s Standard Costing System vs. losses alleged, and calculated actual lost profits to be \$0. Prepared rebuttal expert report and mediation exhibits in anticipation of settlement or trial. Result: Settlement.

Property Damage and Lost Profits Unnamed Insurance Claimant v. Insurance Company (Pre-litigation claims): Testifying expert to defense counsel in the analysis of “lost profits” claims alleged in connection with property damage occurring to claimant’s bed and breakfast lodge. Analysis of plaintiff damage allegations, income tax returns and financial statements, prepared financial trends of claimant’s business, “before and after” lost profits calculations and exhibits for insurance company to utilize in settling all claims. Result: Settlement.

Professional Malpractice and Auditing Negligence (Wholesale Distributor v. Local Accounting Firm): Testifying expert to plaintiff counsel against CPA accused of violations of the standard of care. Analyzed financial statement audit and related violations of standard of care. Prepared information for mediation, discover assistance and case evaluation. Result: Settlement.

Professional Malpractice and Securities Fraud Synectic Venture et. al. v. Arthur Andersen, Local Accounting Firm & Fund Manager – Craig Berkman (Multnomah County Circuit Court, Case No. 051213245): Lead consulting expert to plaintiff counsel for analysis of claims and damages against multiple accounting firms involved in accounting and tax services provided to venture capital funds. Performed forensic accounting and investigated fraudulent activities and transactions, analyzed accountants’ working papers, determined applicable accounting standards and standard of care violations, prepared numerous complex damage models, prepared case presentation for mediation, prepared case for trial, prepared cross-examination outline of defense experts for attorneys, and analyzed punitive damages proposals and settlements. Result: Jury verdict for plaintiffs and total recoveries of approximately \$75 million, including punitive damages, according to newspaper reports.

Professional Malpractice and Tax Negligence (Wholesale Distributor v. Local Accounting Firm): Testifying expert for defense counsel. Analyzed alleged violations of standard of care by CPA firm for income tax preparation services. Prepared information for case evaluation, discovery and settlement. Result: Settlement.

Professional Malpractice and Tax Negligence (Construction Company v. Regional & Local Accounting Firms): Consulting expert to plaintiff counsel in dispute related to negligent preparation of income tax returns and IRS audit representation. Analyzed income tax returns and applicable tax standards related to disallowed expenses and revenues not included in tax return, analyzed applicable accounting professional standards related to conflicts of interest, quality control, AICPA Code of Professional Conduct, and Oregon Board of Accountancy Act. Prepared documentation and analysis for mediation, analysis for client to request waiver of all penalties from Internal Revenue Service, and attendance at mediation. Result: Settlement with accounting firms and negotiated wavier of all IRS penalties.

Professional Malpractice and Auditing Negligence (Municipal Government v. Local Accounting Firm): Testifying expert for insurance defense counsel in case involving CPA firm’s discovery of potential fraud and financial misappropriation by the client and the municipal government’s response and litigation threats resulting from these findings. Advised defense counsel and CPA firm regarding relevant professional standard of care related to individual responsibilities of CPAs involved, as well as the CPA firm, including but not limited to specific methods of required CPA firm investigation, communication requirements, including to the State Secretary of State, and issues related to withdrawal of prior years’ audit reports issued by CPA firm. Result: Compliance with professional standards and settlement of threats issued against CPA firm.

Professional Malpractice and Abusive Tax Shelter (Investor v. International Accounting Firm):

Consulting expert to plaintiff counsel where wealthy investor was enticed into purchasing “Son of Boss” transaction which was sold as “The Technique” and resulted in significant IRS and state penalties and interest pursuant to an audit of the transaction. Evaluated the nine characteristics of an abusive tax shelter for plaintiff’s counsel, determined that “Son of Boss” was considered by the IRS to be an abusive tax shelter and was a “listed transaction” at the time of sale, evaluated IRS guidance related to “substantially similar transactions”, evaluated engagement letter prepared by accounting firm, identified violations of IRS regulations and other professional standards, including conflicts of interest related to “advice” provided by accounting firm and their role as a “promoter” of “The Technique”, evaluated the absence of required disclosures included in Investor’s income tax return, identified and evaluated IRS judicial doctrines for prosecuting tax shelter cases, evaluated potential claims against other third-party “advisors” involved in the sale and promotion of “The Technique”, evaluated timeline in connection with sale of product, IRS audit and known date of liability. Result: Claims barred by Statute of Limitations.

Professional Malpractice and Embezzlement Big Bay de Noc School District v. Anderson

Tackman & Company, PLC (State of Michigan County of Delta Circuit Court, File No. 11-21192-CZ): Testifying expert to plaintiff counsel for analysis of claims and damages against local accounting firm which provided audited financial statements of school district over many years that was a victim of embezzlement by the finance manager. Analyzed professional standard of care related to Generally Accepted Auditing Standards (GAAS), Generally Accepted Accounting Principles (GAAP), and the AICPA Code of Professional Conduct. Analyzed auditor workpapers, assisted in preparation of deposition inquiries of defendant accountants, and prepared expert report for mediation related to findings. Result: Settlement.

Professional Malpractice and Tax Negligence (Property Developer Client v. Local Accounting

Firm): Testifying expert for defense counsel. Analyzed alleged violations of standard of care by CPA firm for income tax preparation services, including required communications for certain tax positions taken. Prepared information for case evaluation, discovery and mediation. Result: Settlement.

Professional Malpractice and Tax Negligence (Undisclosed Individual v. CPA Firm):

Consulting expert to Plaintiff in discovery of significant errors made by CPA firm in the preparation of corporate and individual income tax returns over multiple “closed” years. Analyzed errors, presented issues and strategy to CPA firm who acknowledged mistakes. Prepared damage analysis that contained statutory interest and professional fees related to mitigation of losses and presented to professional liability insurance company. Worked with insurance carrier’s legal counsel to demonstrate loss and to evaluate potential offsets. Worked with plaintiff law firm in connection with settlement documents. Result: Settlement without litigation.

Professional Malpractice and Shareholder Rights Deborah Burksfield v. Larry Sally, et al., (Superior Court of Washington – County of Yakima, Case No. 112012688): Expert witness for plaintiff counsel for analysis of claims against local accounting firm involved in providing review of financial statements for three related companies. Plaintiff claimed that two of the companies not owned by plaintiff were misappropriating assets of the third company that was partially owned by plaintiff. Analyzed accountants' workpapers, reviewed depositions of accounting firm partner, determined applicable accounting standards and violations of the standard of care, prepared presentation for deposition and mediation process in anticipation of settlement. Result: Judicial summary judgement ruling for defendant.

Professional Malpractice and Lost Profits Rentokil Initial (1896) Limited v. Jeld-Wen, Inc., et al. (Oregon District Court, Case No. 1:12-ev-01307-CL): Consulting and damages expert for third-party U.K. international law firm accused of providing negligent advice to Jeld-Wen, Inc. related to the lease termination of a U.K. manufacturing plant that Plaintiff claimed Jeld-Wen, Inc. benefitted from in excess of \$100 million. In connection with the settlement of that case, Jeld-Wen, Inc. sought third-party recoveries from the U.K. law firm who provided advice to terminate the lease. Analyzed purchase and acquisition documents, U.S. and U.K. financial statements, prepared multiple tax analysis scenarios, analyzed alternate strategies and advice that law firm could have provided, prepared multiple damage reports and documents for mediation, and determined that the third-party law firm caused no damages in connection with the advice. Result: Settlement.

Professional Malpractice and Construction Fraud Digital Realty Trust, LP v. Capstar Commercial Real Estate Services, LTD (Superior Court of California County of San Francisco, Case No. CGC-12-523030): Testifying expert for defense counsel of international commercial property management company accused by global real estate investment fund of breach of fiduciary duty and contract obligations for failing to discover a \$20 million construction kick-back and overbilling scheme in Chicago, Illinois perpetrated by a well-known general contractor, along with defendant's "general manager", who was sentenced to prison for his role in the scheme. Was hired to analyze plaintiff's damages calculation and damage theory to determine whether potential financial offsets existed for defendants. Upon review of initial discovery, I developed a causation analysis and determined that the plaintiff failed to perform its own essential contractual duties and its own gross negligence was the cause of the damages. My analysis was then supported by other construction industry testifying experts. After developing a comprehensive damage and causation timeline, supporting documents, and a PowerPoint presentation for mediation, I determined damages in the case caused by the defendant were \$0. Result: Settlement.

Professional Malpractice and Tax Negligence Douglas S. and Synova J. Reed, et. al. v. Fischer, Hayes & Associates, P.C. et. al. (Multnomah County Circuit Court, Case No. 15CV28332): Testifying expert to defense counsel for analysis of claims and damages alleged against local accounting firm that provided accounting and tax services to multiple-entity real estate developer where plaintiffs lost their investments. Performed forensic analysis and investigated related party transactions, analyzed accountants' working papers, determined applicable accounting and tax standard of care required by the firm, prepared potential damage models, prepared case summary presentation for mediation, analyzed plaintiff mediation statements, prepared case for trial, assisted law firm in discovery requests, deposition issues, prepared expert report, developed timeline of statute of limitations issues, and calculated damages at \$0. Result: Settlement.

Professional Malpractice and Embezzlement ND Manor, LLC v. Bjorklund & Montplaisir, et al. (Multnomah County Circuit Court, Case No. 1311-16329): Testifying expert for plaintiff counsel against CPA firm accused of violations of the standard of care for audits of HUD project financial statements where embezzlement of funds occurred by the loan servicer. Analyzed HUD regulatory agreements and policies to determine requirements for investment and safeguarding of assets, audits of projects and related compliance procedures. Reviewed audit workpapers and reports for multiple years, calculated damages caused by CPA firm failures to follow the standard of care, prepared mediation presentation and exhibits, and provided additional analysis and supporting documents during mediation. Result: Settlement.

Professional Malpractice and Board of Accountancy Complaint Board of Accountancy v. Certified Public Accountant (State of Washington): Testifying expert for defense counsel in case involving findings against a CPA for multiple violations of professional standards and professional misconduct where the CPA discovered fraud in a consulting engagement and was accused by the Board of Accountancy of failing to communicate and exit the engagement in a manner consistent with professional standards. Reviewed engagement findings of the CPA, correspondence between CPA and his / her client, analyzed the CPA conduct against the professional standards required under the circumstances, provided information and analysis for defense counsel in letter to Board of Accountancy, and attended pre-litigation conference with counsel of Attorney General's office. Result: Case dismissed.

Professional Malpractice and Tax Negligence Yantis Enterprises, Inc. v. Musser Accounting P.C. (Multnomah County Circuit Court, Case No. 15CV00457): Testifying expert for defense counsel in case involving a former client of an accounting firm who sued his accountant for negligence after the client sold his business and then several years later the purchaser defaulted on its promissory note to the seller but received stock in a new corporation exiting from bankruptcy. Reviewed services performed by CPA and compared services to relative standard of care required of accountants for due professional care, performed valuation calculations of stock received from company exiting bankruptcy and determined that plaintiff received value in excess of amounts due on his promissory note, prepared damages report, mediation and trial exhibits. Result: Settlement.

Professional Malpractice and Accounting Negligence Fuller Bros., Inc. v. Baker & Gingel, PC, et al. (Clackamas County Circuit Court, Case No. 16CV17922): Testifying expert for defense counsel in case involving a former client of an accounting firm who sued his former accountant for breach of contract, breach of fiduciary duty and fraud. Reviewed services performed by CPA and compared services to standard of care required of accountants for due professional care, analyzed damages alleged by plaintiff and identified significant offsets to damages. Prepared damages calculations, mediation and trial exhibits. Result: Settlement.

Professional Malpractice and Tax Negligence Kay Edwards and Justin Edwards v. Dean C. Werst (Clackamas County Circuit Court, Case No. 16CV17011): Testifying expert for defense counsel involving a former law firm client who sued his former attorney for negligence after plaintiff sold its business and real estate and then alleged defendant failed to properly preserve IRC §1031 like-kind exchange status. Analyzed IRC §1031 transaction and allowable regulations regarding rescission, determined mitigation efforts plaintiff failed to undertake, calculated potential damages and offsets to damages, prepared damages report, mediation and trial exhibits. Result: Settlement.

Professional Malpractice and Accounting Negligence Richard Edelson v. Ronald Stefani et al. (Multnomah County Circuit Court, Case No. 15CV02997): Testifying expert for plaintiff counsel in a case involving an investor who sued the accounting firm of a company plaintiff invested in alleging professional malpractice. Analyzed services provided by accounting firm and the standard of care required in performing such services, calculated potential damages, and prepared mediation and trial exhibits. Result: Settlement.

Professional Malpractice and Accounting Negligence TLC Custom Farming, LLC v. Stoughton Davidson Accountancy Corporation et al (Arizona District Court, Case No. 2:13cv00014-PHX-SRB): Testifying expert for defense counsel in case involving a party to a settlement agreement that sued the accounting firm hired to verify that the settlement agreement had been fulfilled alleging negligence. Analyzed services provided by accounting firm and the standard of care required in performing such services, calculated potential damages and offsets to potential damages, and prepared mediation and trial exhibits. Result: Settlement.

Professional Malpractice and Tax Negligence Unnamed Hospital v. Regional CPA firm (pre-litigation mediation): Consulting expert to plaintiff counsel in case involving a CPA firm that allegedly failed to provide adequate tax advice and delivered faulty tax advice resulting in substantial damages to hospital. Reviewed services performed by CPA firm, analyzed standard of care required by CPA firm in delivering such services, calculated damages to hospital, prepared damages report and presentation for pre-litigation mediation. Result: Settlement.

Professional Malpractice and Tax Negligence NWEA d/b/a Northwest Evaluation Association v. Moss Adams LLP (Multnomah County Circuit Court, Case No. 17CV03453): Testifying expert for plaintiff counsel in a case involving a global non-profit organization and former audit client of a national accounting firm that sued the accounting firm alleging negligent tax advice in connection with a business acquisition which caused \$20 million in damages. Analyzed tax issues and advise associated with business acquisition, analyzed accounting standard of care for providing tax and “non-attest” services to “attest” clients, prepared amended income tax returns, successfully appealed all state and federal tax penalties, prepared trial and mediation exhibits for trial or settlement. Result: Settlement.

Professional Malpractice and Tax Negligence David Lunt, D.D.S, Inc. v. Arthur Wiederman, et al (Los Angeles County Superior Court of California, Case No. BC599697): Testifying expert for defense counsel in case involving a former client of an accounting firm who sued his former accountant for professional negligence and breach of contract alleging plaintiff failed to discover embezzlement of plaintiff's employee when defendant was preparing income tax returns. Reviewed defendant work in connection with tax preparation and indications of fraud and embezzlement, compared work of accountant to standard of care required for income tax returns, determined that embezzlement had not been proven with reasonable certainty, amounts of embezzlement had not been proven with reasonable certainty, and the embezzling party was not determined with reasonable certainty. Prepared mediation presentation and exhibits. Result: Settlement.

Professional Malpractice and Tax Negligence Unnamed Corporation v. Local Accounting Firm (Pre-litigation matter): Consulting expert for plaintiff counsel in case involving a former client of an accounting firm who alleged negligent tax advice in connection with determining “independent contractor” status of employees. Plaintiff sustained substantial losses in connection with audit by the State of Oregon whereby plaintiff’s contractors were determined by the State to be employees. Reviewed defendant work in connection with the advice, compared work of accountant to standard of care required for the advice, prepared mediation presentation and exhibits. Result: Settlement.

Professional Malpractice and Board of Accountancy Complaint Board of Accountancy v. Certified Public Accountant (State of Oregon): Consulting expert for defense counsel in case involving allegations against a CPA for violation of professional standards related to conflicts of interest in connection with tax services rendered to divorcing couple. Reviewed investigative report of the Board of Accountancy, reviewed correspondence between CPA and his / her clients, analyzed tax services delivered, analyzed the professional standards required under the circumstances, provided analysis for counsel in preparation of BOACC and Board hearings. Result: Stipulated Agreement – no monetary penalty, no license revocation.

Professional Malpractice and Lost Profits Carl Vanderzanden et. al. v. Living Room Property Management et. al. (Multnomah County Court, Case No. 18cv11034): Damages expert for defense counsel of property management company accused of professional negligence, breach of contract and breach of fiduciary duty. Analyzed approximately 250 financial claims made by homeowners of 27 properties, prepared analysis and exhibits for settlement or trial. Result: Settlement.

Professional Malpractice and Business Valuation Negligence Keith Caggiano v. Onisko & Scholz, LLP et. al (Los Angeles County Superior Court of California, Case No. BC671651): Testifying expert for defense counsel in case involving a former client of an accounting firm who sued his former accountant for professional negligence related to a business valuation used in prior shareholder litigation. Reviewed defendant’s work in connection with the business valuation, compared work of valuation expert to standard of care required for business valuations, prepared independent business valuation calculations and prepared exhibits in anticipation of trial or settlement. Result: Settlement.

Professional Malpractice and Construction Industry Financial Fraud Jane Doe v. John Doe (Private Arbitration Marital Dissolution Matter): Testifying expert for Petitioner in a marital dispute where financial statements of Respondent’s construction business were materially misstated causing the appraised value of the business to be understated and negatively affecting Petitioner’s divorce judgement. Assisted in preparing requests for discovery from multiple parties and vendors, analysis of financial statements, accounting records, 3rd party CPA firm workpapers, and other documents to determine understatements of net income and CPA firm involvement in financial statement manipulation. Prepared reports and exhibits for arbitration hearing and testified on behalf of Petitioner. Result: T

Professional Malpractice and Accounting Negligence EliteCare et al. v. Isler NW, Bjorklund & Montplaisir, et al. (Multnomah County Circuit Court, Case No. 17CV31426): Consulting expert for plaintiff counsel in case involving the standard of care for tax and auditing engagements where related party transactions allegedly occurred in violation of Operating Agreements causing damages to the Company and others. Advised counsel regarding relevant professional standard of care for tax and auditing engagements and individual responsibilities of CPAs and their firms. Result: Settlement.

Professional Malpractice and Board of Accountancy Complaint Oregon Board of Accountancy v. Certified Public Accountant: Consulting expert for defense counsel in case involving findings against a CPA for multiple violations of professional standards and professional misconduct. Reviewed investigative findings and exhibits, analyzed the conduct of the CPA and compared to relevant professional standards under the circumstances, and provided analysis for defense counsel to present to the Board of Accountancy. Result: Case dismissed.

Professional Malpractice (Legal) Daniel Lubbers et al. v. Garrett Hemann Robertson P.C. et al. (Marion County Circuit Court, Case No. 17CV36918): Consulting expert for defense counsel in case involving allegations of elder financial abuse, breach of fiduciary duties, and legal malpractice. Analyzed claims and related assertions of damages. Advised counsel regarding actual potential damages for settlement or trial purposes. Result: Settlement.

Professional Malpractice and Accounting Negligence Former Client v. Local CPA Firm (pre-litigation matter) Consulting expert for defense counsel in case involving allegations a CPA failed to properly advise client to be taxed as a S-Corporation instead of a partnership. Analyzed services provided by accounting firm and the standard of care required in performing such services, analyzed plaintiff damages calculation, determined errors in plaintiff calculations, identified offsets to potential damages, calculated actual potential damages and offsets to potential damages, and prepared mediation and trial exhibits. Result: Settlement.

Professional Malpractice and Tax Negligence Brian Forster v. Principe & Associates, et al., (Superior Court of the State of California – County of Los Angeles, Case No. 20VECV00218): Expert witness for defense in case involving allegations of professional negligence, breach of fiduciary duty, fraudulent concealment, negligent misrepresentation, and aiding and abetting. Analyzed accountants' workpapers, reviewed depositions of various parties, determined applicable accounting standards and analysis of the standard of care, calculated potential damages in connection with a potential jury verdict in favor of plaintiff, and prepared presentation for deposition and trial testimony. Result: Settlement. D

Professional Malpractice and Board of Tax Practitioners Oregon Board of Tax Practitioners v. Amy Kennedy, LTC (Office of Administrative Hearings, OHA Case No. 2021-ABC-04913: Testifying expert for defense counsel in case involving findings against a tax practitioner for allegations of incompetency related to the preparation of IRS Form 8938 – Statement of Specified Foreign Financial Assets. Reviewed investigative findings and exhibits, analyzed the conduct of the tax practitioner and compared to relevant professional standards under the circumstances, analyzed completion of Forms 8938 and testified in administrative law hearing. Result: Case ongoing. T

Professional Malpractice and Property Management In the General Receivership of Chinook Associates, debtor (Superior Court of Washington in and for King County, Case No. 20-2-11082-5-SEA) Testifying expert for LLC member in case involving allegations of breach of duties by overbilling of property management fees by majority owner. Analyzed rent rolls, bank statements and other financial documents to determine contractual fees and compared amounts to those actually taken by manager. Result: Judicial ruling that both parties breached duties. D

Professional Malpractice and Tax Negligence John M. Marshal, et al. v. PricewaterhouseCoopers LLP (Multnomah County Circuit Court of Oregon, Case No. 17CV11907): Testifying expert to plaintiff counsel in a matter involving allegations of negligence in connection with an abusive tax shelter transaction entered into by Plaintiffs. Analyzed standard of care violations, prepared trial exhibits, and testified in connection with violations of ethical and technical professional standards. Result: \$65.5 million jury verdict in favor of Plaintiffs. T

Professional Malpractice and Tax Negligence Ziggy Enterprises Limited Partnership, et al. v. Foley & Giolitto CPA, PLLC, et al., (Superior Court of the State of Arizona – County of Maricopa, Case No. CV2021-014424): Expert witness for defense counsel in case involving allegations of professional negligence in connection with failures to make IRC §754 elections in connection with the death of a partner in a partnership. Analyzed claims and accountants' workpapers, reviewed and analyzed IRC §754 and related provisions, prepared analysis of potential damages and report, and assisted counsel in mediation. Result: Settlement.

Professional Malpractice and Tax Negligence White Fish, LLC et al. v. Beutler Exchange Group LLC (Circuit Court of the State of Oregon – County of Clackamas, Case No. 21CV48706): Testifying expert for defense counsel involving a real estate investor who sued its former IRC §1031 Exchange Accommodator by alleging defendant failed to properly preserve IRC §1031 like-kind exchange status in a 3-property transaction. Analyzed applicable IRC §1031 transaction and allowable regulations regarding relinquished and replacement properties, all components of potential gain recognition, determined safe-harbor rules for non-recognition of gain, determined contract requirements plaintiff failed to undertake, calculated potential damages and offsets to damages, prepared mediation and trial exhibits. Result: Settlement.

Professional Malpractice and Breach of Contract Art of Management, LLC v. Fawaz Istwani et al. (Superior Court of the State of California – County of Los Angeles, Case No. 19STCV31371): Expert witness for cross defendant (plaintiff) in case involving allegations of breach of contract, fraud, and professional negligence in connection with tax preparation services performed by plaintiff and related billing disputes. Analyzed accountants' workpapers, tax returns and time and billing records, reviewed depositions of various parties, determined applicable accounting standard of care and whether defendant complied with standard of care, analyzed billings and prepared detailed presentations for deposition and trial testimony. Result: Settlement. D

Professional Malpractice and Tax Negligence Douglas D. Hobbs, et al. v. Seabolt and Vincent LLP et al. (Superior Court of the State of Arizona – County of Maricopa, Case No. CV2022-090686): Expert witness for plaintiff counsel in case involving allegations of professional malpractice, fraud, negligent misrepresentations, and fraudulent concealment in connection with failures to represent plaintiffs before the IRS with regard to Federal Gift Return audits and failures to prepare annual income tax returns. Analyzed claims, prepared discovery requests, proposed deposition issues, analyzed gift and income tax returns, IRS audit documents and transcripts, corporate stock valuations, and other financial information. Determined applicable standard of care and whether defendant complied with standard of care, calculated potential damages, prepared report for trial, analyzed and prepared rebuttal report, and assisted counsel in settlement issues. Result: Settlement.

Securities Fraud Dwayne Morrison et. al. v. Allstate Financial Services, LLC et al (Multnomah County Circuit Court, Case No. 0909-13616): Testifying expert for defense counsel of national investment advisory and insurance firm whose former employee was accused of misusing “side investor” funds and violating the terms of his employment agreement. Through forensic accounting, analyzed complex and multiple transactions within multiple bank and credit card accounts, developed damage model utilizing various damage theories, and developed deposition exhibits for counsel utilizing results of forensic accounting. Result: Settlement.

Securities Fraud (federal) Hosie Kenneth Riley v. Galena Biopharma, Inc. et. al. (Oregon District Court, Case No. 3:15-cv-01748-AC): Consulting expert for plaintiff counsel on behalf of client who “opted out” of a Rule 10b-5 federal securities class action settlement and pursued greater recovery directly against the publicly-traded company. Calculated federal securities damages by preparing an “event study” of stock and options trades, market news announcements corresponding with alleged misstatements, calculated the amount of decrease in stock value related to allegations of fraud compared to stock fluctuations related to “market forces”. Reviewed and rebutted damage analysis prepared by international litigation consulting firm, prepared expert report and trial exhibits from analysis performed. Result: Settlement.

Securities Fraud William Galbraith v. MML Investor Services et. al. and 7 related cases (Oregon District Court, Case No. CV 09-437 MO, Related Case Nos.: CV 09-436 MO; CV 09-438 MO; CV 09-439 MO; CV 09-440 MO; CV 09-441 MO; CV 09-443 MO; & CV 09-459 MO): Testifying expert for defense counsel of national investment advisory and insurance firm whose former employee, C. Wesley Rhodes, was found guilty of misappropriating investor funds (after he left employment with Mass Mutual Life “MML”) and accused of violating the terms of his employment agreement while an employee of MML. Through forensic accounting and analysis of investment accounts and transactions, developed damage models to quantify actual investor losses and potential loss exposure to MML, prepared exhibits for mediation, prepared expert damage reports for each plaintiff, analyzed plaintiff expert reports, assisted counsel in preparing Daubert motions to exclude all plaintiff expert reports and conclusions, and prepared defense counsel for depositions that significantly reduced potential damages to client. Result: Settlement.

Shareholder Rights (Minority Shareholder vs. Undisclosed Company): Consulting expert for defense counsel in minority shareholder lawsuit alleging shareholder oppression. Prepared transaction reports and financial statements for litigation, mediation reports, consulted with business valuation expert and in settlement discussions and negotiations, and participated in mediation. Result: Settlement.

Shareholder Rights (Minority Shareholder v. Undisclosed Company): Consulting expert for plaintiff counsel in minority shareholder dispute alleging breach of contract and fraud. Reviewed financial statements, evaluated accounting principles in accordance with contract requirements, identified errors and irregularities in financial statements, determined material understatement in shareholder stock valuation formula, participated in negotiation with opposing expert and defense counsel. Result: Settlement.

Shareholder Rights YoCream International, Inc. v. MFP Partners, L.P. (Oregon District Court, Case No. 3:2011cv00852): Testifying expert to plaintiff counsel of Wall Street Investor in connection with minority shareholder dissenter's rights case. Analyzed ultimate sales price of company stock, analyzed "Fairness Opinion" provided by investment banking firm, analyzed expected value of company stock, analyzed related party transactions that may have given rise to decreases in expected valuation of company stock, analyzed related party transaction disclosures in proxy statement, annual reports, and audited financial statements, analyzed potential claims against selling corporation, its officers, board of directors, and other third parties, prepared damage analysis, and prepared other information for mediation presentation. Result: Settlement.

Shareholder Rights (Minority Shareholder v. Universal Music Group Pre-litigation matter): Consulting expert to plaintiff counsel of minority shareholder in joint venture with the world's leading music group. Services included analysis of potential claims involving financial statement and tax fraud, misappropriation of company assets, breach of fiduciary duty and breach of contract. Provided forensic financial analysis to determine asset misappropriation and calculated damages with respect to each potential claim. Identified joint venture valuation enhancements, negotiation leverage points, and calculated case settlement value used by plaintiff counsel for settlement negotiations. Result: Settlement.

Shareholder Rights 50% Business Owner v. Winery Company (Pre-litigation matter): Consulting expert for plaintiff counsel in connection with breach of contract claims alleged by plaintiff where plaintiff asserted that his transfers of money into company and execution of purchase and sale agreements constituted purchase of a 50% business interest in a company that became valuable in part as a result of capital provided by plaintiff. Analyzed financial statements and documents showing transfers of amounts into company and directly to the company's vendors, prepared analysis of shareholder distributions to other 50% owner that had been concealed from plaintiff, identified documents that had been forged by defendant, identified claims against third-parties, prepared business valuation of winery and exhibits in anticipation of litigation or settlement. Result: Settlement.

Shareholder Rights Larry Erickson v. Victor Erickson and L&V Logging (Superior Court of Washington for Skamania County, Case No. 17-2-00040-1): Testifying expert to plaintiff counsel in the calculation of economic damages alleged by plaintiff for unequal payments to partners and allegations of misappropriation. Analyzed financial and bank information, identified categories of potential damages and amounts, prepared expert report and exhibits in anticipation of settlement or trial. Result: Settlement.

Shareholder Rights Sandra Andersen et al. v. Joel Andersen, Andersen Construction, et al. (Multnomah County Circuit Court): Consulting expert to plaintiff counsel of minority shareholders in construction and real estate companies where plaintiffs alleged breach of fiduciary duty, shareholder oppression, financial elder abuse, conversion, and unjust enrichment. Provided forensic financial analysis to identify multiple related party transactions and underlying beneficiaries, performed calculations of business value for settlement or trial purposes, calculated potential damages, prepared exhibits for mediation and trial preparation and settlement advice. Result: Settlement.

Shareholder Rights (Limited Partner v. Receiver for Family Limited Partnership (A Matter of Arbitration): Testifying expert for Respondent Limited Partner in Arbitration hearing in connection with Respondent's Objection to Receiver's Notice of Proposed Partial Liquidation of Property of the Estate. Receiver proposed the transfer of Respondent's interest in Property #1 (owned by Respondent and the former General Partner) to the former General Partner in exchange for General Partner's interest in Property #2 (also owned by Respondent and the former General Partner) pursuant to IRC §1031 transaction. Receiver also proposed it would then liquidate the remaining partnership assets, including Property #2 received in the exchange. I reviewed documents and calculations provided by Receiver and provided testimony that Receiver's motion would harm Respondent, if passed. Additionally, I testified that Receiver's plan violated IRC §1031 and would not be considered a valid tax-free exchange. Result: Arbitration Panel ruling for Respondent. T

Show Cause Hearing The Stoller Group, Inc. v. Susan A. Fenske and EGS, Inc. (Multnomah County Circuit Court, Case No. 1209-12221): Testifying expert to defense counsel in asset seizure proceeding where claims brought by plaintiff included failure to pay loan balances, insolvency accusations, and misappropriation of asset collateral. Performed forensic accounting of defendant's financial ledgers, reconciled loan amounts claimed by plaintiff, discovered previously unknown errors in connection with loans claimed by plaintiff, conducted solvency analysis of defendant's company, recommended specific restatement items of company financial statements, developed damage theory in connection with defendant's counter claims and testified at trial. Result: Judicial ruling for defendant and settlement of all claims. T

Wrongful Death Estate of Michael Hauser v. NW Anesthesia (Lane County Circuit Court, Case No. 18CV36267): Testifying expert to defense counsel of medical provider accused of negligence in the death of a business owner with significant damages alleged. Analyzed allegations and damages claims, identified other causation issues, analyzed decedent's earning potential and earning potential of business decedent worked to calculate whether plaintiff's claim was "reasonably certain". Prepared independent analysis of potential damages and related exhibits in anticipation of mediation and trial. Result: Settlement.

Industry Experience

Agriculture / Nurseries
Airlines / Helicopters
Assisted Living Facilities
Construction
Employee Benefit Plans
Financial Institutions
Food Processing
Forest Products
Healthcare / Hospitals
Homeowners' Associations

Hotel & Tourism
HUD compliance
Investment / Venture
Manufacturing / Distribution
Mortgage Lending
Music / Entertainment
Not-For-Profit
Professional Sports Franchise
Professional Services
Property Management

Publishing
Real estate / Development
Retail
Services / Temporary Staffing
Software / Technology
Tenants In Common (TIC)
Transportation
Wineries / Vineyards