

# CLIFFORD L. FRY

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## POSITION:

Executive Vice President  
RRC, Inc.  
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## EDUCATION and CERTIFICATIONS:

Ph.D., (Economics) Texas A&M University, 1972  
B.A., (Economics) Texas A&M University, 1967  
Accredited Valuation Analyst, National Association of Certified Valuation Analysts, 2011.

## EXPERIENCE:

Executive Vice President, RRC, Inc., 1994-present  
Visiting Associate Professor of Economics, Texas A&M University, Fall 1992, Spring 1994,  
Spring 1995, Fall 1995, Spring 1996; Courses: Antitrust Economics, Macroeconomics  
Director, Business and Financial Analysis, RRC, Inc., 1984-1993  
Associate Professor, Department of Finance, University of Houston, 1980-1993  
Director, San Jacinto Savings and Loan, 1989-1990  
Chairman, Department of Finance, University of Houston, 1981-1988  
FHLB - Management Consignment Program, Board of Director Assignments:  
Heights Savings Association, A Federal Association 1985-1988  
Allen Park Federal Savings and Loan, 1987-1988  
Continental Savings, 1988-1989  
Director of Academic Programs, College of Business Administration, University of Houston -  
University Park, 1980-1981  
Vice President and Senior Financial Economist, Crocker National Bank, San Francisco, 1979-  
1980  
Assistant Professor of Finance, University of Houston, 1975-1979  
Financial Economist, Federal Reserve Bank of Dallas, 1973-1975  
Assistant Professor of Economics, Washington State University, 1971-1973  
Instructor, Departments of Mathematics and Economics, Texas A&M University, 1967-1971

## **CONSULTING AND OTHER PROFESSIONAL ACTIVITIES:**

International Rett Syndrome Foundation  
American Banker's Association  
Federal Home Loan Bank Board  
First City National Bank  
Gibraltar Savings Association  
Phoenix Investment Group, Inc.  
Shoe Gallery Corporation  
Weiner's Department Stores  
Outstanding Educator, University of Houston  
Distinguished Faculty Researcher Award, University of Houston  
Research Fellowship, Federal Reserve Bank of Atlanta  
Treasurer, San Francisco Chapter of the National Association of Business Economists  
PLT Engineering  
Center for Executive Development, University of Houston  
Mortgage Bankers' Association  
Distinguished Service Award, Department of Finance, University of Houston, 1993  
International Rett Syndrome Association, Board and Texas Regional Representative  
US West  
Greater Texas Student Loan Corporation  
ALCOA  
American Dental Association  
The SCOOTER Store  
FUTUREGEN Project for the State of Texas Proposal to DOE  
U.S. Army Corps of Engineers, Lake Columbia Reservoir Project  
HomeCare Business Council of Texas  
Dr. Fred Schiff, Trust Negotiations

## **PUBLICATIONS:**

Clifford L. Fry, R.R. Hocking, Michael S. Proctor, and Russell G. Thompson, "An Optimal Initial Investment-Borrowing Model for the Competitive Firm," Project Themis, Technical Report No. 11, Texas A&M University Research Foundation, Office of Naval Research, Contract No. 114-68-A-0140, 1971.

Clifford L. Fry and Robert B. Ekelund, Jr., "Cournot's Theory of Demand: A Reassessment," *History of Political Economy*, Vol. 3, No. 1, Spring, 1971, pp. 190-7, reprinted in *The Evolution of Modern Demand Theory*, ed. by R.B. Ekelund, Jr., E. G. Furubotn, and W.P. Gramm, D.C. Heath and Co., 1972, and reprinted in *Pioneers in Economics Section III - Mark Blaug, Volume 24-Johan Von Thunen, Augustin Cournot and Jules Dupuit*, 1992.

Clifford L. Fry, "Pollution Control-Proper Policies Could Improve Functioning of Market Economy," *Business Review*, Federal Reserve Bank of Dallas, October 1973, reprinted in *Readings in Economics*, ed. by Hailstones and Mastrianna, third edition, Southwestern Publishing Co., Cincinnati, Spring, 1974, pp. 200-203 and reprinted in *Readings in Institutional and Applied Economics*, ed. by D.J. Weidenaar and E.T. Weiler, Addison-Wesley Publishing Co., Inc.

- Clifford L. Fry, "An Explanation of Short-Run Fluctuations in the Ratio of Currency to Demand Deposits: A Comment," *Journal of Money, Credit and Banking*, Vol. 6, No. 3, August 1974, pp. 403-412.
- Clifford L. Fry, "Discount Window-Member Bank Borrowing Soared in Eleventh District Last Year," *Business Review*, Federal Reserve Bank of Dallas, July 1974.
- Clifford L. Fry, "Hicks' 'The Two Triads. Lecture 1' and the Transactions Demand for Money," *Nebraska Journal of Economics and Business*, Vol. 14, No. 1, Winter 1975, pp. 39-46, reprinted in *Sir John R. Hicks: Critical Assessments. Volume 3. Critical Assessments of Contemporary Economists Series*, ed. by John Cunningham Wood and Ronald N. Woods, Routledge, London and New York, 1989, pp. 107-113.
- Clifford L. Fry and Edward E. Veazey, "Certificates of Deposit-Changes in Reserve Requirements Influence Volume and Maturity," *Business Review*, Federal Reserve Bank of Dallas, August 1975, Summary Version reprinted in *American Banker*, August 18, 1975.
- Clifford L. Fry and Charles P. Harper, "Certificates of Deposit and the Lag in Effect of Monetary Policy," *Nebraska Journal of Economics and Business*, Vol. 16, No. 2, Spring 1977, pp. 37-53.
- Clifford L. Fry, "Treasury Demand Deposits and the Money Multiplier," *Journal of Economics and Business*, Vol. 30, No. 2, Winter 1978, pp. 142-146.
- Charles P. Harper and Clifford L. Fry, "Consistent Empirical Results with Almon's Method: Implications for the Monetary Versus Fiscal Policy Debate," *The Journal of Finance*, Vol. XXXIII, No. 1, March 1978, pp. 187-198.
- Clifford L. Fry and Charles P. Harper, "Treasury Deposits in Monetary Studies," *Review of Economics and Business Research*, Vol. 24, No. 2, Winter 1978-79, pp. 78-82.
- Clifford L. Fry, Peter S. Rose, and William L. Scott, "The Growth of Minority-Owned Commercial Banks in the United States: Accomplishments and Implications," *University of Michigan Business Review*, Vol. XXXI, No. 1, January 1979, pp. 24-32.
- Clifford L. Fry, Charles P. Harper, and Stanley R. Stansell, "An Analysis of Credit Union Costs: A New Approach to Analyzing Costs of Financial Institutions," *Journal of Bank Research*, Vol. 12, No. 4, Winter 1982, pp. 239-49.
- John Crockett, Clifford L. Fry, and Paul M. Horvitz, "Bank Participation in the Real Estate Market: Lessons from the REIT Experience," *The Bankers Magazine*, July/August, 1984.
- John Crockett, Clifford L. Fry, and Paul M. Horvitz, "Are S & L Participations in Real Estate Ventures Too Risky?" *Real Estate Review*, Vol. 15, No. 2, Summer 1985, pp. 54-59.
- John Crockett, Clifford L. Fry, and Paul M. Horvitz, "Equity Participation in Real Estate by Savings and Loans: Implications for Profitability and Risk," *Federal Home Loan Bank*

*Board*, Invited Research Working Paper No. 52, May 1985, summarized in *The Savings and Loan Reporter*, Vol. 10, No. 14, August 23, 1985, pp. 1-4. An edited version, "Equity Participation in Real Estate" appears in *Outlook* of The Federal Home Loan Bank System, September/October, 1985.

Clifford L. Fry and Insup Lee, "OSHA Sanctions and the Value of the Firm," *Financial Review*, November, 1989, Vol. 24, No. 4, pp. 599-610.

Clifford L. Fry and Insup Lee, "Bank Acquisitions of Non-Bank Financial Firms: An Examination of Shareholders' Wealth," *The International Journal of Finance*, Vol. 3, No. 2, Spring 1991, pp. 77-87.

Clifford L. Fry and Donald R. House, "Economic Issues in the Defense of Directors and Officers of Financial Institutions," *Banking Law Journal*, Vol. 110, No. 6, Nov.-Dec. 1993, pp. 542-557.

Clifford L. Fry, "Purchase Money Mortgages Versus Loans And The Sale of REO," *The Bankers Magazine*, Vol. 176, No. 4, July/Aug. 1993, pp. 41-46.

J.J. Choi, Clifford L. Fry, and Insup Lee, "The Valuation Effects of Overseas Listings: The Case of the Tokyo Stock Exchange," *Review of Quantitative Finance and Accounting*, Vol. 4, No.1, March, 1994.

Clifford L. Fry, Donald R. House, and L. Jackson Brown, "Economic Impact of Dentists", *The Journal of the American Dental Association*, Vol. 135, March 2004, pp. 347-352.

Clifford L. Fry, "The Location of Dentists and Issues of Shortages and Access", unpublished paper prepared for the American Dental Association, excerpts in L. Jackson Brown, *Adequacy of Current and Future Dental Workforce: Theory and Analysis*, Chicago: American Dental Association, Health Policy Resources Center, 2005, pp. 154-164.

Clifford L. Fry, "Dentists and Economists: Strange Bedfellows?", *Dental Economics*, May 2008.

## **LEGAL REPORTS AND TESTIMONY**

### **Representative Law Firms:**

Andrews and Kurth  
Baird, Crews, Schiller, and Whitaker, PC  
Baker & McKenzie  
Bonham, Carrington & Floyd, P.C.  
Brandys Carson & Pritchard  
Brown, Parker & Leahy, L.L.P.  
Caddell & Conwell  
Cantey & Hanger  
John Choate, Esq.  
Dinsmore & Shohl, L.L.P.  
Dykema Gossett, P.L.L.C.  
Doyle, Rider, Restrepo, Harvin & Robbins, L.L.P.  
Duane, Morris & Heckscher, L.L.P.  
Faubus and Scarborough, LLP

George M. Bishop & Associates  
Hammerle Finley  
W. F. Harmeyer and Associates, P.C.  
Howrey, Simon, Arnold & White  
Howrey LLP  
Jose, Henry, Brantley & Keltner, L.L.P.  
James Knez, Esq.  
Lanier Law Firm  
Locke, Liddell & Sapp, L.L.P.  
Mann, Ungar, Spector & Labovitz  
Mayor, Day, Caldwell & Keeton, L.L.P.  
McGuire, Woods, Battle & Booth, L.L.P.  
McKool Smith  
S. Reed Morgan & Associates  
Peterson & Ross  
Ray Valdez McCristian & Jeans  
Spiegel, Liao & Kagay  
Vinson & Elkins  
Waite, Schneider, Bayless & Chesley  
Weil, Gotshal & Manges  
Wilson and Varner, L.L.P.  
Woodard, Hall & Primm, P.C.  
Zimmerman, Axelrad, Meyer, Stern & Wise, P.C.

### **Defendant**

*M. J. and Anne D. Beebe, et al. (Plaintiffs) v. Deloitte, Haskins, and Sells, et al. (Defendants)*,  
U.S. District Court for the Southern District of Texas Division, Civil Action No. H-89-  
3174, 1991.

Economic analysis of the projections and the risks inherent in Windmill investments.

*Amdent Corporation and Jack Smith, d/b/a Amdent Company v. Quest Packaging, Inc., et al.*, No.  
90-019284, Harris County, Texas, 133rd Judicial District, 1991.

Analyzed damage report from plaintiff's economic expert and gave deposition; case  
settled.

*Gary T. Hirst and Nancy Ann Hirst v. Marilyn L. Mass and James W. Mass*, Cause No. 90-CI-  
02282, 285th Judicial District, Bexar County, Texas, 1991.

Determined damages, case settled.

*Sezanne A. Zeluff and Bracewell & Zeluff v. Bradley Bracewell, Ronald C. Hatfield, and Parkway  
Land Company*, Cause No. 90-19694, in the 127th Judicial District Court of Harris  
County, Texas, 1991.

Determined damages, case settled.

*W. Silber Investment & Holding, Inc. d/b/a W. Silber Recycling, v. Chemetco, Inc., Concorde Trading Company, Border Trading Company, Inc., d/b/a El Paso Border Trading Company, and Triangle Metallurgical, Inc., d/b/a Tri-Paso*, Case No. 91-14152, in the District Court of El Paso County, Texas, 34th District Court 1993-94.

Analyzed predatory pricing and restraint of trade claims, relevant markets, barriers to entry, fact of liability, copper scrap market ; prepared three affidavits; gave deposition; plaintiff's dropped their claims.

*American Casualty v. First Franklin Financial, Inc., et al.*, Case No. A92 CA925, in the United States District Court for the Western District of Texas, Austin Division, 1993.

Analyzed real estate transactions and director involvement; case settled.

*Percy Boutin v. Aluminum Company of America*, Civil Action No. V-90-45, in the United States District Court for the Southern District of Texas, Victoria Division, 1992.

Determined damages; case settled.

*Federal Deposit Insurance Corporation v. Roy Saunders, Robert Dunson, William Thiessen, James Alberts, Boyce Jones, Josef Mincberg, Barry Snowden, Jerald Witten, M. Berney Linder, Gilbert Turner, David Mincberg, Edwin Brooks and Lee Hughes, Sr.*, Civil Action No. H-91-1717, in the United States District Court for the Southern District of Texas, Houston Division, 1993.

Wrote report analyzing reasons for bank failure; case settled.

*David Askanase, Trustee, and Fitness Corporation of America, Plaintiffs, v. Tom Fatjo, Jr., et al., Defendants*, Civil Action No. H-91-3140, in the United States District Court for the Southern District of Texas, Houston Division, 1993.

Wrote two reports, one on the economic principles in the case and one on damages. Case settled.

*United States of America, Plaintiff v. Moore Supply Company, et al., Defendants*, No. CR-H-94-17 in the United States District Court for the Southern District of Texas, Houston Division 1994.

Analyzed price data and economic issues to evaluate volume of commerce affected by price fixing; wrote affidavit.

*Roel Vela and Maria Rosario Vela v. College Research Corporation*, Cause No. 85-653-73, 165th District Court, Harris County, 1989-1990.

Wrote report on lost earnings, gave deposition, and testified at trial.

*Resolution Trust Corporation v. James O. Kelly, III, et al.*, in the United States District Court for the Northern District of Texas, Dallas Division, Civil Action No. 3-93-CV-2364-R, 1994.

Analyzed loan transactions and director involvement; gave a deposition; case settled.

*First Bank of Deer Park, Texas v. Chicago Title Insurance Company, Security Union Title Insurance Company, f/k/a Safeco Title Insurance Company, and Christine D. Guzman*, Civil Action No. H-93-3483, in the United States District Court for the Southern District of Texas, Houston Division, 1995.

Prepared report for title insurance company on negligence and potential fraud in bank lending transactions involving a nominee borrower; gave deposition. Case settled.

*Wendy Davis and Dottie Jones d/b/a Wendy Davis Enterprise v. Lawler Foods, Inc.*; Cause No. 94-0332917, in the 113th Judicial District Court of Harris County, Texas, 1996.

Gave deposition and analyzed report by opposing expert.

*Air & Water Technologies Corporation, Research-Cottrell Intermediate Holding Corporation, Research Cottrell, Inc., Falcon, Inc. and Falcon Associates, Inc., Plaintiffs v. Jeffrey J. Cantwell, Thomas J. McCoog, Ernest M. DeCaro, III; and Bristol Environmental, Inc., Defendants*, Superior Court of New Jersey Chancery Division: Somerset County Docket Number SOM-C-12006-95 Civil Action, 1998.

Prepared a report on market factors affecting the profitability of asbestos abatement firms; assessed financial condition of the involved companies; gave deposition; case settled.

*Amway Corporation, Plaintiff, v. The Procter & Gamble Co., et al, Defendants*, In the United States of America, United States District Court, For The Western District of Michigan Southern Division, Case No. 1:98cv 726, 1999.

Submitted report on operations of Amway; gave deposition; case settled.

*Robert Langthorn, Plaintiff vs. Houston Champagne Pools, Inc. AKA Champagne Pools, James Lamb, and Robert Newland, Defendants*; In the District Court of Harris County, Texas 280<sup>th</sup> Judicial District, Cause No. 1999-08142, 2000.

Wrote analysis of damages; gave deposition.

Cause No. 99-06881; *Rimco Production Company, Inc. v. Sands Brothers & Co., Ltd*; 152<sup>nd</sup> Judicial District Court of Harris County, Texas, 2000.

Wrote report on economic environment for investors in 1998; gave deposition; case settled.

*William G. Riles, Plaintiff v. Shell Exploration and Production Company, Defendant*, In the United States District Court for the Southern District of Texas Houston Division; Civil Action No. H-00-0304, 2000.

Wrote reports on damages due to patent infringement; gave deposition and testimony at trial.

*WRT Energy Corporation, Debtor, WRT Creditors Liquidation Trust, Plaintiff, v. KPMG, LLP, Defendant*, United States Bankruptcy Court Western District of Louisiana Lafayette-Opelousas Division, Cause No. 96-BK-50212 (Chapter 11), 2000.

*Texas Digital Systems, Inc. v. Electronic Billboard Technology, Inc., and SI Diamond Technology, Inc.*, In the District Court Brazos County, Texas 272<sup>nd</sup> Judicial District, Cause No: 51,577, 2002.

*EquaTerra, Inc., Plaintiff, v. KPMG Consulting, Inc., and KPMG Consulting, L.L.C., Defendants*, In the District Court 270<sup>th</sup> Judicial District, Harris County, Texas, Cause No. 2001-29546, 2002.

Prepared a report and case settled.

*MCI Worldcom Network, Service, Inc. v. Twister Communications, Network, Inc.*; In the District Court 221<sup>st</sup> Judicial District; Montgomery County, Texas; No. 00-05-03124-CV, 2002

Wrote damages report, gave deposition, wrote affidavits and testified at trial.

*Sylvia Ann Baden, et al. v. Martha Lorraine "Lorry" Winters, et al.*; 347th Judicial District Court, Nueces County, Texas, Cause No. 00-3245-H, 2003.

Conducted survey of electrician practices, wrote report, gave deposition, case settled.

*James M. Huger v. James J. Morrison*, Civil District Court for the Parish of Orleans, State of Louisiana, No. 01-9784, Division "G", October 2004.

Wrote report on Breach of Contract, gave deposition, case settled.

*Jerald "Dan" Markman vs. American National Insurance Company, American Property and Casualty Company, Guy Williams Jones, Kevin P. Kelley & Larry J. Pearson*; In the 113<sup>th</sup> Judicial District Court of Harris County, Texas, Cause No. 2006-72253.

Report on expected work life estimates and competition in insurance market

*K&H Manufacturing Co., an Arizona Corporation, Plaintiff, v. Strong Industries, Inc., a Texas Corporation, Defendant*, In the United States District Court For The Southern District of Texas Houston Division, Civil Action No. 4:08-CV-00157, 2008-2009.

Wrote a report defending Strong Industries against an antitrust claims stemming from an anticompetitive contract, and wrote a report on damages to Strong Industries from K&H violation of the non-compete contract clause. Case Settled.

*Glencore, LTD., Plaintiff against US Zinc, Defendant*, United States District Court, District of Connecticut, Docket No.: 308 cv 587 (SRU), 2009.

Evaluating damage allegations, report filed. Case settled.

*Adesa Impact Texas, LLC v. Carroll Estes, Inc. d/b/a Central Cities Auction Pool and Carroll Estes; Cause No. 227,357-C; In the 169th Judicial District Court of Bell County, Texas. 2009 – case settled.*

Assessed contract violation damages

*Midcontinent Express Pipeline LLC v. MAN Industries (India) Ltd., Prime Pipe International, Inc. and The Bank of Tokyo-Mitsubishi UFJ, Ltd.; In the 133rd Judicial District Court of Harris County, Texas; Case No. 2008-5653. 2009 – Present*

Developed opinions regarding improper bases in economics for MEP's alleged damages and opinions about MAN's alleged damages, and quantified MAN's damages. Addressed issues of cover damages and damages due to alleged breaches of contract.

*Trisun Healthcare, LLC v. HC Hill Country Associates, Ltd., et al; In the 146th Judicial District Court of Bell County, Texas. Cause No. 239,385. 2010 – case settled*

Developed analysis for mediation and analyzed damage claims of Plaintiff; Case Settled.

### **Plaintiffs**

*Videocipher, A Division of Cable/Home Communication Corp. and Comm/Scope Co. v. Satellite Earth Stations East, Inc., No. CV 88-2815 "L", U.S. District Court, Western District of Louisiana, Lafayette-Opelousas Division, 1991.*

Determined damages to seven Satellite Earth Stations companies and gave a deposition; case settled.

*Cotton Belt International v. Continental-Eagle Corp., et al., Case No. CA3-91-0257J, United States District Court for the Northern District of Texas, Dallas Division, 1991.*

Prepared a report on the economics of monopolization of the market for replacement parts for cotton gins.

*Larisa Franzheim v. Bank of the Southwest National Association, Case No. H-85-274, United States District Court for the Southern District of Texas, Houston Division, 1985.*

Prepared a report on the risks of different types of investments; prepared a damage analysis; gave deposition; case settled.

*Oilfield Risk Support Services, Inc., Plaintiff v. Underwriters at Lloyds, London, et al., Defendants, Case No. 87-03773, in the District Court of Harris County, Texas, 157th Judicial District, 1992.*

Analyzed restraint of trade issues, gave deposition, wrote affidavit on antitrust issues; case settled.

*Charles D. Dyer, Mary Beth Dyer, J. R. Oliver, et al. v. Conoco, Inc.*, Civil Action No. H-88-910, in the United States District Court for the Southern District of Texas, Houston Division, 1992.

Analyzed anticompetitive actions, involving price fixing and boycotting, calculated damages, prepared affidavit, gave depositions and testified at trial.

*Donald P. Driscoll on Behalf of the General Public v. Age High Income Fund, Inc., Franklin Advisers, Inc., Franklin Distributors, Inc., Franklin Administrative Services, Inc., and Does 1 through 10*, No. 357589, Complaint for Unfair Competition, Business and Professions Code Sections 17200 Et Seq., Superior Court of California, San Mateo County, 1993.

Analyzed misleading statements about investment risks by junk bond mutual fund, prepared a restitution model, gave deposition; case settled.

*Dailey Petroleum Services Corp. v. Houston Mercantile Exchange Corp., et al.*; Cause No. 90-21130, 334th Judicial District Court of Harris County, Texas, 1992-1993.

Determined damages due to unfair competition and theft of trade secrets, testified in trial.

*Jack Williams, et al. v. Ouachita National Bank, et al.*; Civil Action No. 7499, in the 87th Judicial District Court of Anderson County, Texas, 1993.

Analyzed value of oil lease; case settled.

*Keith Mullen v. Zapata Offshore Company and Hydro-Vision International, Inc.*, Civil Action No. G-92-553, in the U.S. District Court for the Southern District of Texas, Galveston Division, 1993.

Determined lost earnings due to personal injury, gave deposition; case settled.

*Ted Lynn Lytle v. Five Star Marine Services, Inc.*; Civil Action No. 91-G-2518, in the U.S. District Court of Brazoria County, Texas, 1993.

Determined lost earnings due to personal injury, gave deposition; case settled.

*Ed Howard Young v. James Patrick Smith and Smith & Conner, P.C.*; Civil Action No. 88-17317 In the 152nd Judicial District Court of Harris County, Texas, 1992.

Determined lost earnings due to personal injury; case settled.

*Larry Lawson, individually and Lifemed Technologies, Inc. v. Rudolf Riester, GmbH and Co. KG, and Karl Heinz Riester, Individually*, Civil Action No. H 92 1331, in the United States District Court for the Southern District of Texas, 1994.

Prepared damage analysis; gave deposition; testified at trial.

*American Nurses for Nurses, dba Stat Medical Services v. National Union Fire Insurance Co. of Pittsburgh, Pa., et al.*, Case No. V-94-049, in the United States District Court for the Southern District of Texas, Victoria Division, 1995.

Prepared report on commercial damages, gave deposition.

*M-I Drilling Fluids Co. v. Raymond E. McGlothlin, Henry Clayton McLaurine, Frank Woodworth, R&F Industries, Inc., MHC Industries, Inc. and Chemcomm, Inc.*, Cause No. 93-051760 in the District Court, Harris County, Texas, 151st Judicial District, 1994.

Prepared commercial damage report due to trade secret theft; case settled.

*Sonya Landry, Individually and on Behalf of the Estate of Randy James Landry v. Western Waste Industries, Inc. and Richard Allen Barker*, Cause No. 93-12-03610-CV, in the 284th District Court of Montgomery County, Texas, 1995.

Prepared lost earnings analysis and gave deposition; case settled.

*Four A Farms, A Nevada General Partnership, Martin C. Andrews; Richard E. Andrews; Stephen A. Rosenthal; George Andrews; Samuel Moses and Georgia Moses v. California-Oregon Seed, Inc.; S. A. Camp Companies; James S. Camp; Robert J. Campbell; and Does 1 through 100*, inclusive, and each of them, Case No. CIV S 94-0978-EJG/PAN, United States District Court, Eastern District of California, 1995.

Prepared affidavit on antitrust issues, gave deposition.

*J. M. Huber Corporation, Plaintiff v. Positive Action Tool of Ohio Company, Inc., Lotus Oil Tool, Inc., Donald E. Sable and McClung/Sable Partnership, Defendants, Enterra Oilfield Products, Inc.*, Intervenor, Civil Action No. H-93-2589, in the United States District Court for the Southern District of Texas, Houston Division, 1995.

Prepared report analyzing damages due to patent infringement and business interference.

*ICO, Inc. v. John Wood Group, USA, Inc., Wood Group Drilling and Production Services, Limited, NDT Systems, Inc., NDT Eagle, Ltd., and Tubular Ultrasound, Ltd.*, Cause No. 94-49767, in the 61st Judicial District of Harris County, Texas, 1996.

Prepared analysis of damages to ICO from not acquiring NDT , gave deposition and trial testimony.

*Asher, et al v. Adtec Detention Systems, Inc.*, Cause No. 94-45377, in the 234th Judicial District of Harris County, Texas, 1996.

Prepared Damages to Class of Stockholders, gave deposition; case settled.

*H.L. Gardner, Jr., Individually and as Independent Executor of the Estate of LeNan Briggs Gardner Bass, Deceased and Herman L. Gardner, Deceased, and Three G. Investments, Ltd. v. Baker & Botts, L.L.P. and S. Stacy Eastland*, Case No. 31413, in the District Court of Washington County, Texas, 335th Judicial District. 1996.

Prepared report on value of Mr. Gardner's time; gave deposition; testified at trial on value of time and economic events in Texas in the 1980s.

*Carvel Corporation v. James Baker, et al*, United States District Court, District of Connecticut Civil No. 3:94CV1882 (AVC) 1998.

Prepared report on damages to Carvel franchisees due to breach of contract by Carvel; gave depositions and testified at trial.

March 28, 2000 testified in Carvel trial.

*The Procter & Gamble Company v. Amway Corporation, et al*. United States District Court For The Southern District Of Texas, Houston Division, Civil Action No. H-97-2384, 1998.

Prepared a report on the economics of Amway's operations and assessed damages to Procter and Gamble; gave depositions, and supervised a national survey by RRC on knowledge of Satanism rumor and Amway contact.

*San Jacinto Surgery Center, LTD., Plaintiff, v. San Jacinto Methodist Hospital Defendant*, In the District Court Of Harris County, Texas, 334<sup>th</sup> Judicial District, Cause No. 98-11137, 1999.

Prepared report on antitrust issues and damages. Gave Deposition. Case Settled.

*W. H. Mitchell, M.D.; O. D. Raulston, M.D.; T.M. Kleuser, M.D.; D. W. Boyd, D.P.M.; R. M. Johnson, D.P.M.; R. C. Chan, M.D.; D. C. Dirks, M.D.; M. D. Smith, M.D.; C.L. Studey, M.D. and O. L. Campbell, M.D. v. Harris Methodist Health Plan, Inc.; Harris Methodist Select; Texas Health Resources; Ramiro D. Cavazos, M.D., Trustee; Steven E. Johnson, M.D., Trustee; J. Daniel Johnson, M.D., Trustee; Frederic Johnson, M.D., Trustee; Geoffrey S. Barst, M.D., Trustee; Tracy K. Kobs, M.D., Trustee; and Lee Bloemendal, M.D., Trustee*, In the 236<sup>th</sup> Judicial District, Tarrant County, Texas, Cause No. 236-173312-98, 1999.

Wrote report on breach of contract and antitrust issues.

*Paul Magaziner v. Sam W. Humphreys, Vincent D. Foster, Main Street Merchant Partners II, L.P., Main Street Management Partners, L.P., and Main Street Merchant Advisors, L.L.C.*; In the 113<sup>th</sup> Judicial District of Harris County, Texas, Cause No. 1999-43291, 2000.

Wrote report on damages due to fraudulent representation.

*Aire Serv Air Conditioning & Heating, Inc. v. R. S. Andrews Enterprises, Inc. et al*; Civil Action No. W-00-CA-022, In the United States District Court, Western District of Texas, 2000.

Wrote report on damages. Case Settled.

*Dr. Nicholas, Plaintiffs v. Cincinnati Insurance Co., Defendants*, In the United States District Court for the Northern District of Illinois Eastern Division, No. 03 C 6989, 2004.

Wrote report on damages. Case settled.

*Introgen Therapeutics, Inc. Plaintiffs v. PPD Development, LLC, PPD Development, LP, and PPD Global LTD., Defendants*, In the District Court of Travis County, Texas 201<sup>st</sup> Judicial District, Cause No. GN 300797, 2004 – present

*Weatherford International, Inc. and Weatherford/Lamb, Inc. v. Casetech International, Inc.*, In the United States District Court Southern District of Texas Houston Division, Civil Action No. H-03-5383, 2004.

*Helen of Troy, L.P. v. I & JC Corp. and Bayside Brush Co. collectively d/b/a Camila Paris, Jorge E. Castillo and Ivan Lopez-Boshch*, In the District Court of El Paso County, Texas 34<sup>th</sup> Judicial District, Cause No. 2003-665, 2006.

Wrote a report on damages from trade dress infringement, testified at trial.

*Procter & Gamble et al. v. Randy L. Haugen et al.*, In The United States District Court for the District of Utah, Central Division, Case No. 95-CV-0094 W., 2003.

Co-wrote a report on the economics of operations of Amway distributors. Co-wrote a report on the results of a survey on the Satanism rumor spread by Amway distributors. Reports accepted by the court which proceeded to a trial on damages for Procter and Gamble.

*John Robert Miller and Texas Retirement Plans, Inc., v. Retirement System Group, Inc., RSGroup Trust Company n/k/a Pentegra Trust Company, Pentegra Retirement Services, Peter Del Col, MG Trust Company, LLC, and Aspire Financial Services, LLC*, United States District Court for the Southern District of Texas, Houston Division, Civil Action No. H-09-834. 2010 – present

Wrote report on Damages due to business interference and breach of contract, gave deposition.

*David Edward Burk and Zandra Ray Burk v. Kirkland Crane & Rigging Company and Eric Eugene Syzdek*; In the District Court of Walker County, Texas 12th Judicial District; Cause No. 1025100, 2010 – 2011.

Wrote Report on Lost Business Profits Due to Personal Injury. Gave deposition. Case Settled

*McLane Company, Inc. v. Chris Hill, Donald McKinney and Peter Leavitt*; In the District Court of Bell County, TX, 169 Judicial District, Cause No. 239,345\_C – 2010-present.

*Wrote Report on Damages to McLane caused by the Loss of Fastrac Business.  
Wrote a Supplemental Report Addressing the Nature of Damage to McLane caused by Actions of Leavitt and Associates.*

## **Arbitration**

*Aaron Cohen, et al. (Claimants) and Shearson Lehman Hutton, Inc., et al. (Respondents), National Association of Securities Dealers, Inc., Mediation Hearing No. 90-598, Houston, Texas, 1991.*

Prepared an analysis of investment risks for Claimant.

*Compensation Issues in the Reynolds Metals - Exxon Petroleum Coke Pricing Dispute, Second Half 1988, 1992.*

Helped prepare a report for Reynolds Metals on fair pricing and compensation due Exxon for delivered Petroleum Coke.

*Monarch Machinery, Inc. vs. Holz-Her U.S., Inc. and James R. Taylor, Jr. District Court of 267<sup>th</sup> Judicial District, Victoria County, Texas, Cause No. 97-1-50, 139-C. 1997.*

Prepared written damage analysis; testified at arbitration.

NASD Arbitration Number 98-00528; *Thomas Metz, et al. vs. Momentum Securities, Inc.*; Before the National Association of Securities Dealers, Inc. 1998.

Contract issues involving restraint of trade; case settled.

*Neutral Posture Ergonomics v. BodyBilt and Ergobilt, American Arbitration Association Cause No. 70 133 00337 98, 1999.*

Assessed damages due to trademark infringement, breach of contract, and patent infringement; gave testimony in deposition and in arbitration hearing.

*Woodville Ford, Inc. Plaintiff, v. Ford Dealer Computer Services, Inc. Defendant, In the District Court of Tyler County, Texas 88<sup>th</sup> Judicial District, Cause No. 18,857, and Dealer Computer Services, Inc. Claimant, v. Woodville Ford, Inc. Respondent, American Arbitration Association, Case No. 70Y1170069803, 2004.*

Wrote report and testified in deposition about antitrust (tying) issues in contract terms. Case settled without arbitration.

### **Mediation and Pre-Litigation**

*Twister Communications Network, Inc. v. Siemens Information and Communications Network, Inc.*; In the United States District Court for the Southern District of Texas, Houston Division, Cause No. H-99-2496, 1999.

Contacted prior to litigation filing. Case settled.

*Tuscarawas Ambulatory Surgery Center, LLC and Oxford Capital Enterprises, LLC and Oxford Capital Enterprises Two, LLC and Oxford Capital Enterprises Three, LLC Plaintiffs, v. Valley Health Care, Inc. and Union Hospital Association and William w. Harding Defendants, In the Court of Common Pleas, Tuscarawas County, Ohio, 2004*

Wrote a report on business interference. Dispute settled without litigation.

Dr. Gabriel Yammine vs. ArcTech, Houston, TX, 2006

Wrote a report on damages related to delay of construction of a dental office.

Revised January 3, 2012