In memory of my biggest cheerleader and the most powerful influence in my life...my dad.

NJF, 2016

To my parents, for their decades of support.

JMD, 2016
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About the Editors

Nancy J. Fannon is the partner in charge of litigation services with Meyers, Harrison & Pia Valuation and Litigation Services LLC. She is a nationally known author and expert in the area of economic damages and corporate valuation. With over 25 years of experience as a financial analyst, she frequently serves as an expert witness or a financial consultant in matters involving complex corporate litigation for public and private companies and testifies or consults on matters involving economic damages, unjust enrichment/disgorgement, shareholder disputes, and other damages analyses. She has written for numerous valuation and damages journals, has published three books related to valuation and damages, and has been a technical reviewer or contributing author to several others. Fannon is a frequent national speaker, has served on the editorial boards of four of the major valuation and economic analysis industry organizations, and served as co-chair of a joint industry standard-setting board. In 2007, she was inducted into the AICPA’s “Hall of Fame,” awarded for substantial contributions to the advancement of the business valuation profession.

Jonathan M. Dunitz is counsel with the Portland, Maine, law firm of Verrill Dana LLP, where he is chair of the Insurance Coverage and Litigation Group. Dunitz has over 20 years of experience, including complex commercial and business litigation, complex family law matters, appellate advocacy, and insurance coverage. He is admitted to practice before all state and federal courts of Maine and the United States 1st Circuit Court of Appeals. Jonathan has written and spoken extensively on the issue of expert exclusion, particularly in the area of financial damages. He is listed in The Best Lawyers in America under Litigation—Insurance. Dunitz has presented at AICPA conferences on damages and expert issues and has been a frequent panelist for the Maine State Bar Association on legal writing issues, commercial litigation matters, and family law-related business valuation. Dunitz also serves on the Maine Bar Association’s Board of Governors. He graduated from Ithaca College in 1988 and is a 1993 magna cum laude graduate of the
Syracuse University College of Law, where he was lead articles editor of the *Syracuse Law Review*. Dunitz is also an accomplished photographer and musician and lives with his retired greyhound, Jasper.
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Contact information for each of the contributing authors can be found below; each of their biographies can be found in the section starting on page 21.

Jeffrey L. Baliban (Chapter 33)
CPA, ABV, CDBV
Citrin Cooperman
529 Fifth Ave.
New York, NY 10017
www.citrincooperman.com

Doug Bania (Chapter 29)
CLP
Nevium Intellectual Property Solutions
415 Laurel St., Suite 341
San Diego, CA 92101
www.nevium.com

Neil J. Beaton (Chapters 13 and 14)
CPA/ABV/CFF, CFA, ASA
Alvarez & Marsal Valuation Services
1201 Third Ave., Suite 800
Seattle, WA 98101
www.alvarezandmarsal.com

Richard F. Bero (Chapter 26)
CPA/CVA
The BERO Group
N16 W23217 Stone Ridge Drive
Ridgeview Office Center, Ste. 250
Waukesha, WI 53188
www.berogroup.com

Jared J. Bourgeois (Chapter 35)
CPA/ABV, CFE, CAMS

Jonathan Brogan (Chapter 38)
Norman Hanson DeTroy LLC
2 Canal Plaza
P.O. Box 4600
Portland, ME 04112
www.nhdlaw.com

Thomas Burrage (Chapter 12)
CPA/ABV, CVA, CFF
Thomas F. Burrage, CPA
Suite 110
4001 Indian School NE
Albuquerque, NM 87110
ercllc.net

Brian Buss (Chapter 29)
CFA
Nevium Intellectual Property Solutions
Suite 341
415 Laurel St.
San Diego, CA 92101
nevium.com

David B. Chaffin, Esq. (Chapter 3)
White and Williams LLP
Suite 1930
101 Arch St.
Boston, MA 02110
www.whiteandwilliams.com

Larry Chiagouris (Chapter 28)
Pace University—New York City campus
Room W-471
1 Pace Plaza
New York, NY 10038
www.pace.edu/nyc

Adrian Cowan (Chapter 36)
Ph.D.
Analytic Focus
Suite 200
11467 Huebner Road
San Antonio, TX 78230
www.analyticfocus.com
The Comprehensive Guide to Economic Damages: Volume 1

Charles D. Cowan (Chapter 37)  
Ph.D.  
Analytic Focus  
Suite 200  
11467 Huebner Road  
San Antonio, TX 78230  
www.analyticfocus.com

Michael A. Crain (Chapters 15 and 25)  
DBA, CPA/ABV, ASA, CFA, CFE  
The Financial Valuation Group  
Suite 700  
1 E. Broward Blvd.  
Fort Lauderdale, FL 33301  
www.fvglfl.com

Joseph A. DeCusati (Chapter 38)  
CPA, ABV, ASA, CFE  
Meyers, Harrison & Pia Valuation and Litigation Support LLC  
3rd Floor  
1 Audubon St.  
New Haven, CT 06511  
www.mhpbv.com

Mark O. Dietrich (Chapter 20)  
CPA/ABV  
945 Concord St.  
Framingham, MA 01701  
www.cpa.net

Jonathan M. Dunitz, Esq. (Chapters 2, 7, and 9)  
Verrill Dana LLP  
1 Portland Square  
P.O. Box 586  
Portland, ME 04112  
www.verrilldana.com

Rachel Eisenhaure, Esq. (Chapter 3)  
White and Williams LLP  
Suite 1930  
101 Arch St.  
Boston, MA 02110  
www.whiteandwilliams.com

Tyler Farmer, Esq. (Chapters 9, 13, and 14)  
Calfo Harrigan Leyh & Eakes LLP  
Suite 4400  
999 Third Ave.  
Seattle, WA 98104  
www.calfoharrigan.com

John V. Garaffa, Esq. (Chapter 19)  
Butler Weihmuller Katz Craig LLP  
Suite 2300  
400 N. Ashley Drive  
Tampa, FL 33602  
www.butler.legal

Joseph D. Garrison, Esq. (Chapter 39)  
Garrison, Levin-Epstein, Fitzgerald & Pirrotti PC  
405 Orange St.  
New Haven, CT 06511  
www.garrisonlaw.com

Daniel K. Gelb, Esq.  
Richard M. Gelb, Esq. (Chapter 4)  
Gelb & Gelb LLP  
84 State St., 4th Floor  
Boston, MA 02109  
www.gelbgelb.com

Mark Glick (Chapter 27)  
Ph.D., J.D.  
University of Utah  
Orson Spencer Hall  
Economics Department  
260 Central Campus Drive, Room 343  
Salt Lake City, UT 84112  
www.utah.edu

Joshua R. Goodbaum, Esq. (Chapter 39)  
Garrison, Levin-Epstein, Richardson, Fitzgerald & Pirrotti PC  
405 Orange St.  
New Haven, CT 06511  
www.garrisonlaw.com

Robert P. Gray (Chapter 10)  
CPA/ABV/CFF, CGMA, CFE  
Baker Tilly Virchow Krause LLP  
Comerica Bank Tower  
Suite 3370  
1717 Main St.  
Dallas, TX 75201  
www.bakertilly.com

David L. Herzer Jr., Esq. (Chapter 5)  
Norman Hanson DeTroy LLC  
2 Canal Plaza  
P.O. Box 4600  
Portland, ME 04112  
www.nhdlaw.com
Acknowledgments

Richard S. Hoffman (Chapter 27)
CPA/ABV
Lone Peak Valuation Group
Suite 500
36 South State St.
Salt Lake City, UT 84111
www.lonepeakvaluation.com

Cliff T. Hutchinson, Esq. (Chapter 2)
K&L Gates LLP
Suite 2800
1717 Main St.
Dallas, TX 75201
www.klgates.com

Daniel E. Johnson, Esq. (Chapter 21)
Covington & Burling LLP
One City Center
850 10th St., NW
Washington, DC 20001
www.cov.com

Leon Kaplan (Chapter 28)
Princeton Research & Consulting Center
Suite C-103
12 Roszel Road
Princeton, NJ 08540-6234
www.Prcc.org

Michael Kaplan (Chapter 17)
CPA, CVA, MAFF
Kaplan Abraham Burkert Associates
Suite 400
5850 Canoga Ave.
Woodland Hills, CA 91367
www.kaplanforensics.com

Jeff Litvak (Chapter 35)
CPA/CFF/ABV, ASA
FTI Consulting Inc.
Suite 900
227 W. Monroe St.
Chicago, IL 60606
www.fticonsulting.com

Robert M. Lloyd, Esq. (Chapters 6, 8, and 16)
The University of Tennessee
College of Law
1505 W. Cumberland Ave.
Knoxville, TN 37996
www.utk.edu

Kenneth Mathieu (Chapter 35)
CPA, ABV, CFF, CAMS

Patrick McGeehin (Chapter 21)
CPA
FTI Consulting
Suite 375
1375 Piccard Drive
Rockville, MD 20850
www.fticonsulting.com

Greg McKinnon (Chapter 22)
CPA/CFF/CGMA, CMA
Hemming Morse Inc.
2679 Passiflora Court
Chico, CA 95973
www.hemming.com

Greg Naviloff (Chapter 18)
Deloitte Financial Advisory Services LLP
7th Floor
200 Berkeley St.
Boston, MA 02116
www.deloitte.com

James O’Brien (Chapter 10)
CPA, CFF
Baker Tilly Virchow Krause LLP
Suite 4500
1650 Market St.
Philadelphia, PA 19103
www.bakertilly.com

Milan Politi (Chapter 27)
Keystone Strategy LLC
3rd Floor
113 Spring St.
New York, NY 10012
www.keystonestrategy.com

Peter Resnick (Chapter 18)
CPA, CFF, CFE
Grant Thornton LLP
13th Floor
75 State St.
Boston, MA 02109
www.gt.com

George P. Roach, Esq. (Chapters 30, 31, 32, and 34)
George Roach Litigation Consulting
6820 Meadow Lake Circle
Dallas, TX 75214
www.litigation-consultant.com
Please note: Participation in this guide does not mean that individual contributors, reviewers, or editors agree with everything that has been included in it, including the writings and opinions of other contributors. While we have attempted to present clear guidance on the various topics wherever possible, damages and their proper calculation will always be subject to the facts of the particular matter, the opinion of the expert, the case law, and the law that governs the particular jurisdiction, as well as the trier of fact’s ultimate findings.

The information contained in this guide is provided for informational or educational purposes only. It is not intended and shall not be deemed to constitute legal advice.
Author Biographies

Jeffrey L. Baliban, CPA, ABV, CDBV, is a partner in the Valuation and Forensic Services practice at Citrin Cooperman & Co. LLP. During his 37-year career, he has directed many national and international projects in economic valuation, market analysis, and measuring damages in a wide variety of complex commercial disputes. He has provided expert testimony in various U.S. federal, state, and municipal jurisdictions, as well as before arbitration panels and other fact-finding commissions. Prior to joining Citrin Cooperman, he held senior positions at Alvarez & Marsal, NERA Economic Consulting, and KPMG LLP. He holds degrees in accounting (B.S., 1977) and economics (M.A., 1995) and has been a CPA since 1981. Over the years, Baliban has written and spoken widely on fraudulent transfer as well as other complex commercial damages matters and business valuation issues.

Doug Bania is a founding principal of Nevium Intellectual Property Solutions, a San Diego-based intellectual property (IP) consulting firm specializing in valuing, monetizing, and managing IP. Bania has over a decade of experience in valuing IP for business transactions, tax/estate, joint venture negotiations, transfer pricing, and bankruptcy. Bania’s expert witness testimony is focused on calculating economic damages for infringement related to false endorsement, social media, Internet, right of publicity, and advertising-related disputes. Bania has been a named expert over 25 times and has testified at trial three times. Bania is often called upon to assist brand owners in determining the best strategies to leverage and enhance their IP portfolios. These enhancements include licensing in and out, buying and selling, working with celebrity endorsers, and building an overall intellectual asset management (IAM) strategy.

Bania is a Certified Licensing Professional (CLP); holds a Master of Arts degree from San Diego State University in television, film, and new media production; and a Bachelor of Arts degree in cinema from San Francisco State University. Bania is on the Internet
Committee at the International Trademark Association (INTA) and is a member of the American Bar Association (ABA) section of intellectual property law and on the ABA Copyright & Social Media committee.

Neil J. Beaton, CPA/ABV/CFF, CFA, ASA, is a managing director in Alvarez & Marsal’s Valuation Services Practice. Prior to joining A&M, Neil was the global lead in charge of complex valuation at Grant Thornton LLP’s valuation services group. He has over 25 years of experience analyzing both closely and publicly held companies. Beaton has appeared as an expert witness across the country and in international tribunals, is an instructor for the AICPA’s business valuation courses, and speaks nationally on business valuation with a special emphasis on early-stage and high-technology companies. Beaton has published two books, contributed chapters to a number of other books, and written many articles on early-stage company valuations as well. He has served on the AICPA’s National Accreditation Commission and the Financial Accounting Standards Board Valuation Resource Group. Beaton has a Bachelor of Arts degree in economics from Stanford University and a Masters of Business Administration in finance from National University.

Richard F. Bero, CPA/CVA, is the managing director of The BERO Group. The BERO Group specializes in litigation and valuation services. Bero received his BBA in accounting and finance from the University of Wisconsin—Madison. He has provided accounting and financial consulting services and expert testimony pertaining to valuation and economic damages issues for more than 28 years. Bero has served as an expert witness in commercial and intellectual property litigations concerning a wide range of industries and technologies including medical imaging, medical devices, financial services, electronics, software, industrial equipment, construction and heavy equipment, automotive, pharmaceutical, consumer products, and many others. Bero has testified as an expert more than 130 times in trials, depositions, arbitrations, and other hearings in federal and state courts across the country.

Bero has presented, instructed, and written articles on topics including intangible assets, intellectual property damages, commercial damages, and various accounting issues. Bero is the lead instructor of the intellectual property damages course for the National Association of Certified Valuation Analysts. Bero has also been a member of the damages committee of the Intellectual Property Owners Association since 2004. Prior to founding The BERO Group, Bero was the Wisconsin Practice Leader for Coopers & Lybrand’s National Litigation & Claims Services practice and an executive consultant with Peterson Consulting.
Jared Bourgeois, CPA/ABV, CFE, CAMS, is a manager in a large professional services firm in the financial forensics practice and is based in Chicago. Bourgeois has significant professional experience advising clients in commercial disputes, post-merger and acquisition disputes, bankruptcy-related litigation, and forensic accounting investigations. He has performed valuation, solvency, and economic damages analyses in various matters, including breach of contract disputes, earn-out disputes, fraudulent conveyance investigations, benefit-of-the-bargain and material adverse change cases, and marital dissolutions. He has served as a consulting expert on various matters involving complex damages, valuation, and accounting issues, including the interpretation of generally accepted accounting principles. He has also conducted a variety of forensic accounting and other internal investigations, including fraud, FCPA, anti-money laundering, auditor malpractice, successor liability, and breach of fiduciary duty investigations.

Jonathan Brogan, Esq., is a native of Maine and is a member of the law firm of Norman, Hanson & DeTroy LLC. He received his undergraduate degree from the University of San Diego and his law degree from the University of Maine Law School. He is the chair of the firm’s litigation practice group and concentrates his practice in complex cases involving personal injury, product liability, medical malpractice, and business litigation. Brogan is a frequent speaker on issues of trial practice and trial presentation and has written extensively on those subjects. He is recognized by Best Lawyers of America, New England Super Lawyers, Benchmark, Local Litigation Stars, Chambers USA, and is AV-rated by Martindale Hubbell. He is a member of the Maine State Bar Association, Cumberland County Bar Association, Defense Research Institute, International Association of Defense Counsel, and the Maine Trial Lawyers Association. Jonathan is a fellow of The International Society of Barristers and a fellow of the Trial Counsel of America.

Thomas Burrage, CPA/ABV, CVA, CFF, practices as a member of Thomas F. Burrage, CPA, LLC, a leading business valuation and forensic accounting firm in Albuquerque, N.M. His fields of expertise include litigation, forensic accounting, business valuation, and taxation. He has been qualified as an expert witness in cases involving lost earnings, fraud, malpractice, minority shareholder suits, insider trading, damages, business valuation, and family law. Mr. Burrage has testified in district and federal courts throughout New Mexico, has been appointed a Special Master, and served as the court’s neutral Rule 11-706 witness, and he regularly serves as a settlement facilitator in the 2nd Judicial District (Bernalillo, Colo.). He often speaks on economic damages, family law, forensic accounting, taxation, and business valuation and teaches nationally on these subjects. Mr. Burrage is the co-author of Divorce and Domestic Relations Litigation: Financial Advisors’ Guide and the Family Law Services Handbook. He is past chair of the AICPA’s Forensic and Valuation Services executive committee, an editorial adviser to the Journal of Accountancy, and formerly chaired its forensics and litigation services
committee. He currently serves on the CFF Credential Committee and chairs the CFF Champions’ Task Force. Mr. Burrage holds a bachelor of business administration degree from the University of New Mexico.

Brian Buss, CFA, is a founding principal of Nevium Intellectual Property Solutions, a San Diego-based intellectual property (IP) consulting firm specializing in valuing, monetizing, and managing IP. Buss has over 20 years of experience in valuations, financial analysis, and corporate finance both in the U.S. and overseas. Buss provides strategic advice for intellectual property portfolios and transactions; product pricing and resource allocation strategies for executive teams and corporate boards; and performs valuations of trademarks, patents, copyrights, brand assets, trade secrets, technology assets, marketing strategies, and other intangible assets. Buss has provided expert testimony and opinions regarding the value of intellectual property assets and the contribution of IP to economic profits in bankruptcies, tax court, federal court, and arbitration. He has spoken and authored papers on topics including damages in Internet and social media infringement, IP valuation, and the economic impact of brand disparagement.

Buss graduated from Claremont McKenna College with a degree in biology and economics and earned an MBA from San Diego State University. During his career, Buss has developed financial models and forecasts for acquisitions, business valuations, class action litigation, reorganizations and privatization transactions, licensing transactions, and new business ventures. His entrepreneurial experience includes serving as co-founder of a technology startup. Prior to founding Nevium, Buss worked at San Diego-based consulting firms, Westpac Institutional Bank, and Deloitte & Touche’s Financial Advisory Services group in New Zealand and the United States.

David B. Chaffin, Esq., is the managing partner of the Boston office of White and Williams LLP. Chaffin has been a commercial litigator and trial lawyer for over 30 years. He handles complex litigation in the areas of, among others, real estate, intellectual property, employer/employee relations, corporate governance, and insurance coverage. Chaffin is a member of the bars of the Commonwealth of Massachusetts and the State of New York, as well as the bars of several United States District Courts and the Courts of Appeals for the 1st and 2nd Circuits. He graduated in 1983 from Duke Law School, where he was an editor of the Duke Law Journal. Chaffin graduated cum laude from Amherst College in 1979.

Larry Chiagouris, MBA, Ph.D., is a professor of marketing at the Lubin School of Business at Pace University in New York City where he teaches marketing and survey research methods and is also a principal in consulting firm Brand Marketing Services.
He has been conducting marketing and research assignments for more than 30 years on behalf of Fortune 500 companies and major law firms. He is past chairman of the Advertising Research Foundation and currently serves on the editorial review board of the Journal of Advertising Research.

Adrian M. Cowan, Ph.D., is co-founder of Analytic Focus LLC and former associate professor in finance in the Business School at St. Mary’s University. Cowan has over 20 years of experience in research and design applied to issues in banking risk. She specializes in the study of derivatives and other forms of investment, as well as operations in financial institutions.

Cowan has worked in the federal government, academia, and financial institutions. Her diverse work encompasses: (1) Creation of prototypes of term structure and interest rate derivatives models for the OTS risk management model; (2) Bond and swap valuations for the FHLBs and GSEs; and (3) Evaluation of asset and liability policies and procedures, and installation of risk measurement software using stochastic term structure models, simulations, binomial models, and option valuation models.

Cowan taught financial risk management, investments and derivatives, money and capital markets, and financial institutions; she also directed the investment portfolio for the Business School at St. Mary’s. She is the author of many articles on credit and interest rate risk, commercial lending, and pricing models.

Charles D. Cowan, Ph.D., is managing partner of Analytic Focus LLC. Cowan has 40 years of experience in statistical research and design. He consults for numerous public- and private-sector entities on the design, implementation, and evaluation of research and the synthesis of statistical and sampling techniques for measurement. Cowan has designed some of the largest and most complex research programs conducted by the federal government. He has provided expert advice to corporations and government agencies on the incorporation of complex research designs in demographic and economic measurement problems.

Cowan teaches graduate and undergraduate courses in survey methods, statistics, and computer methods for analysis. He is the co-author of two books: one on evaluation of survey and census methods and one on econometric measures related to the welfare of the U.S. economy. He has written numerous articles on statistical methods, sampling, rare and elusive population research, and optimization techniques. Cowan is also professor of biostatistics at the University of Alabama—Birmingham in the School of Public Health and a professor in the Extension Program for Graduate Studies at Harvard University.
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Michael A. Crain, DBA, CPA/ABV, ASA, CFA, CFE, is a principal with The Financial Valuation Group in Fort Lauderdale, Fla. He has B.A. (accounting) and MBA degrees from Bellarmine University and a Doctor in Business Administration (finance) degree from Manchester Business School in England at the University of Manchester. He has previously been approved as an arbitrator for the American Arbitration Association’s Commercial Panel. Crain now works largely in the areas of business/economic damages measurement, valuation of businesses and financial assets, and forensic accounting. He has served as a consulting and testifying expert in many commercial cases in state and federal courts and has also served as an arbitrator in commercial damages and minority shareholder cases and as a court-appointed accountant.

Crain has previously worked in the auditing and consulting areas in public accounting firms, including senior manager at an international firm. He is a past chairman of the AICPA’s Business Valuation Committee and has been inducted into the AICPA’s Business Valuation Hall of Fame. Crain also teaches part-time for Manchester Business School and Florida Atlantic University, and his publications include contributing author of *Litigation Services Handbook: The Role of the Financial Expert*, 4th edition; co-author of *Financial Valuation: Applications and Models*, 1st and 2nd editions; contributing author of *The Portable MBA in Finance and Accounting*, 3rd edition; and articles in the *Journal of Accountancy*. He received AICPA’s Lawler Award for best article of the year in *Journal of Accountancy*.

Joseph A. DeCusati, CPA, ABV, ASA, CFE, is a managing director at Meyers, Harrison & Pia Valuation and Litigation Support LLC. DeCusati specializes in the fields of economic damages, commercial litigation, and business valuation. He has performed valuations of business interests for a variety of purposes including, but not limited to, family law matters, business damages, buy-sell agreements, shareholder litigation, estate and gift tax matters, buying and selling businesses, malpractice litigation, and breach of contract.

DeCusati has been qualified as an expert witness in Federal District Court and the State Courts of Connecticut and New Jersey, as well as various arbitration proceedings. He has also rendered extensive services relating to court testimony.

Mark O. Dietrich is a summa cum laude, Beta Gamma Sigma graduate of Boston University where he also earned an MBA with high honors; he holds a Master in Taxation degree from Bentley College as well. A prolific writer, Mark is editor and contributing author to the Business Valuation Resources/American Health Lawyers’ Association Guide to Healthcare Finance and Valuation, 4th edition (Winter 2015 release); editor and principal author of Business Valuation Resources’ *Guide to Physician Practice Valuation*,
Author Biographies


Dietrich’s career experience includes serving as partner-in-charge of the annual audit of an 80-physician tax-exempt faculty group practice affiliated with a major teaching hospital, representation of tax-exempt and taxable entities in Internal Revenue Service field audits, participation in the development of a 250-physician network and negotiation of managed care and Medicare Advantage contracts, and more than 400 valuation and litigation support engagements in the healthcare industry. Mark has an in-depth knowledge of the healthcare payment and regulatory environment, including such arcane matters as physician billing codes and the impact of local market provider payment rates on fair market value compensation. A regular speaker at state and national conferences on healthcare reform, valuation, and other topics, Dietrich also lectured in the United Kingdom in 2009, 2011, 2012, and 2014 on managed care, healthcare valuation, and on valuation of medical practices to Her Majesty’s Revenue and Customs. He served as chairperson of the American Institute of CPA’s (AICPA) National Healthcare Industry Conference for 2012 and 2013, chaired the AICPA Virtual Conference on the Affordable Care Act in January 2014, and the National Healthcare Industry Conference Affordable Care Act section in 2014.

Rachel J. Eisenhaure, Esq., is an associate at the Boston office of White and Williams LLP. Eisenhaure handles a variety of complex commercial litigation matters in areas such as insurance coverage, environmental, and contract/business tort matters. Eisenhaure has extensive appellate experience. Eisenhaure is a member of the bars of the Commonwealth of Massachusetts, the United States District Court for the District of Massachusetts, and the Courts of Appeals for the 1st Circuit. She graduated in 2005 from Georgetown University Law Center and from Harvard College in 2002.

Tyler L. Farmer, Esq., is a partner at Calfo Harrigan, Leyh & Eakes, a litigation boutique in Seattle. Farmer litigates in courts across the country and represents clients in class action litigation, business interruption cases, and shareholder disputes. In 2015, Thomson Reuters, Super Lawyers, included Farmer on its Top 100 lawyers list for Washington state and the 2016 edition of Benchmark Litigation recognized Farmer as a “litigation star.” Farmer received his J.D. with honors from the University of Notre Dame law
school. Before moving to Seattle, Farmer was with the Silicon Valley and Washington, D.C. offices of Jones Day.

**John V. Garaffa, Esq.,** is partner in the Tampa, Fla. office of Butler Weihmuller Katz Craig LLP. He practices in the firm’s construction, coverage defense, and cyber losses departments. Prior to joining the firm, Garaffa served on active duty for 21 years as a member of the Judge Advocate General’s Corps, United States Navy, retiring as a captain.

Garaffa is admitted to practice law before the state courts of Minnesota and Florida, the United States District Courts for the Northern, Middle, and Southern Districts of Florida, and the United States Courts of Appeals for the 11th Circuit. He has written and spoken widely on property coverage issues, first-party bad faith, punitive damages, discovery disputes, and on the application of state-valued policy laws. He is the co-author of Chapter 42 of *New Appleman on Insurance*, concerning legal issues underlying coverage determinations in commercial property insurance. Garaffa received his Juris Doctor from the University of Minnesota, cum laude, in 1982 and a Master of Laws degree, with distinction, from Georgetown University in 1991.

**Joseph D. Garrison, Esq.,** is the senior partner at Garrison, Levin-Epstein, Richardson, Fitzgerald & Pirrotti PC in New Haven, Conn., where he practices employment law on behalf of employees. Garrison is an elected member of the American College of Trial Lawyers and the American Board of Trial Advocates. He served for three years as president of the National Employment Lawyers Association (NELA) and was a charter fellow in the Board of Governors of the College of Labor and Employment Lawyers, later serving as its national president. As an elected member of the American Law Institute (ALI), Garrison has been substantially involved in drafting the highly influential Restatement (Third) of Employment Law, which was published in 2014. He increasingly focuses his practice on mediation and arbitration and has served since 2009 as a member of the Board of Directors of the American Arbitration Association (AAA).

**Daniel K. Gelb, Esq.,** is a partner at Gelb & Gelb LLP where he handles white-collar and general criminal defense matters in state and federal court, complex civil litigation, arbitration, and regulatory and academic proceedings. Prior to joining Gelb & Gelb LLP, Gelb was an assistant district attorney in Massachusetts. Gelb is a member of The Sedona Conference Working Group on Electronic Document Retention and Production and an advisory board member for Bloomberg BNA's *White Collar Crime Report*. He is also a member of the National Association of Criminal Defense Lawyers’ (NACDL) White Collar Crime Committee where he is the Massachusetts district chair.
Gelb is a member of the Massachusetts Bar Association’s Criminal Justice Section, the Massachusetts Academy of Trial Attorneys, the Massachusetts Association of Criminal Defense Lawyers, and the Criminal Law Section of the Boston Bar Association. Gelb is a Louis D. Brandeis fellow of the Massachusetts Bar Foundation, is listed in Massachusetts Super Lawyers, and is a recipient of Massachusetts Lawyers Weekly’s “Excellence in the Law” award in the category of “Up & Coming Lawyers.” He is also a fellow of The Litigation Counsel of America. Gelb is a frequent author and lecturer on electronic evidence and discovery, civil and criminal trial practice and procedure, and is a co-author of the book Massachusetts E-Discovery and Evidence: Preservation Through Trial (2nd edition) (2011) published by Massachusetts Continuing Legal Education.

Richard M. Gelb, Esq., is a partner and co-founder of the Boston firm of Gelb & Gelb LLP (www.gelbgelb.com) where he represents clients in federal and state court civil litigation and in arbitration, white-collar criminal defense, and regulatory proceedings concentrating in the areas of business and securities. He is listed in The Best Lawyers in America, New England Super Lawyers, and Massachusetts Super Lawyers. Gelb is a frequent author and lecturer including the following Massachusetts Continuing Legal Education Inc. publications: Massachusetts E-Discovery & Evidence: Preservation Through Trial, Massachusetts Superior Court Civil Practice Manual, and Ethical Lawyering in Massachusetts. Gelb is a member of the Leadership Council of the American Inns of Court Foundation and a fellow of the Massachusetts Bar Foundation, the American Bar Foundation, and the Litigation Counsel of America. Gelb is a graduate of Boston College Law School (J.D., 1973) and New York University (B.A., 1969).

Mark Glick, Ph.D., J.D., has over 20 years of experience as an economist, lawyer, and expert witness. He is a professor of economics at the University of Utah. He co-authored Intellectual Property Damages: Guidelines and Analysis.

Joshua R. Goodbaum is an associate at Garrison, Levin-Epstein, Richardson, Fitzgerald & Pirrotti PC in New Haven, Conn., where he represents individuals in employee rights and civil rights litigation. A magna cum laude graduate of Harvard Law School and a former editor of the Harvard Law Review, Goodbaum has been recognized as a “rising star” by Connecticut SuperLawyers and a 2015 “New Leader in the Law” by the Connecticut Law Tribune. He previously served as a law clerk to the Honorable Neil M. Gorsuch of the U.S. Court of Appeals for the 10th Circuit.

Robert Gray, CPA/ABV/CFF, CGMA, CFE, is a partner with Baker Tilly’s National Forensic, Litigation & Valuation Services Practice. Gray has over 38 years of experience in complex litigation, forensic investigations, and business valuations in dispute. Gray provides forensic accounting and consulting services from a national and global platform
for a variety of services, including complex commercial damages, intellectual property disputes, data mining, economic damages, and merger and acquisition disputes. His professional experience includes valuations involving a variety of industries. He is a nationally recognized speaker to professional and educational groups and has given testimony in state and federal courts throughout the United States. Gray currently is a member of the AICPA’s FVS Executive Committee and has been the chair of the AICPA’s FLS Committee, various AICPA forensic accounting task forces, and member of the AICPA’s Business Valuation Committee.

David L. Herzer Jr., Esq., is a trial attorney with substantive litigation experience in general insurance defense litigation, insurance coverage issues, product liability defense, lead poisoning claims, construction disputes, employment law, and medical malpractice claims since 1992 representing a variety of clients in trial courts throughout the State of Maine, both state and federal, and in appeals to the Maine Law Court, the 1st Circuit Court of Appeals, and the U.S. Supreme Court. Herzer also practices before the Maine Public Utilities Commission as counsel for trade organizations.

An active member of local, state, national, and international bar associations or attorney organizations, Herzer has held leadership positions in the Defense Research Institute and the Northern New England Defense Counsel Association (now known as the Tri-State Defense Lawyers Association). He is a member of the Advisory Committee for the Maine Rules of Civil Procedure that develops rules of civil court and of the Maine Professional Ethics Commission that advises attorneys on issues of ethics. Herzer is a 1992 graduate of the University of Maine School of Law. He has achieved Martindale Hubbell’s highest peer review rating (AV preeminent), and he has been recognized as a New England Super Lawyer and a “future star” in the firm’s listing as one of five “Highly Recommended Firms in Maine” by Benchmark Litigation. His peers nominated him for The Best Lawyers in America in the field(s) of defendant’s personal injury litigation, insurance law, and defendant’s professional malpractice law. For 2014, he also was named Lawyer of the Year by The Best Lawyers in America in the field of insurance law.

Richard Hoffman, CPA/ABV, has nearly 20 years of experience in performing damage calculations, business valuations, and other forensic accounting projects for several international consulting firms. He is a frequent instructor on the proper methods of measuring damages resulting from intellectual property disputes. He co-authored Intellectual Property Damages: Guidelines and Analysis and has taught many courses for NACVA. He has testified in state and federal courts, including bankruptcy courts, on many occasions. He has also acted as the Special Master in a number of matters. He is a co-founding partner of Lone Peak Valuation Group in Salt Lake City.
Clifton T. Hutchinson, Esq., is a litigation partner in the Dallas office of K&L Gates LLP, where he focuses on disputes involving complex technical and scientific issues and evidence. Hutchinson has tried cases in state and federal courts around the U.S. and has argued before state and federal appellate courts, including the United States Supreme Court. He has written and edited several books and book chapters on the subject of expert witnesses and is a frequent speaker on experts and related topics. Hutchinson received an undergraduate degree in industrial engineering from the Georgia Institute of Technology in 1969 and his J.D. from Southern Methodist University School of Law, cum laude, in 1980, where he was Texas survey editor of the Southwestern Law Journal. He is admitted to the State Bars of Texas and California and to practice before the United States Patent and Trademark Office.

Daniel E. Johnson, Esq., is an attorney and partner in the international law firm of Covington & Burling LLP, practicing in its Washington, D.C., office. He has over 30 years of experience litigating lost profits claims arising from government contracts, commercial disputes, and business torts. He represents parties in lost profits litigation at the trial and appellate levels and appears before administrative agencies and arbitration panels. Johnson graduated magna cum laude from Virginia Polytechnic Institute and State University and received a Juris Doctor from the University of Virginia.

Leon Kaplan, MBA, Ph.D., is the president and CEO of the Princeton Research & Consulting Center Inc., a survey research company specializing in intellectual property matters. He has been conducting social science, marketing, and advertising research and IP research for over 40 years. He is a past president of the Society for Consumer Psychology of the American Psychological Association.

Michael Kaplan, CPA, CVA, MAFF, is co-founder of Kaplan, Abraham, Burkert Associates, Forensic Valuation Consultants, headquartered in Woodland Hills, Calif. His practice area includes pretrial strategic services and expert witness services in matters involving economic damages, business disputes, business valuation, fraud and embezzlement, and employment law. He is called upon regularly to serve as an expert witness in court. His professional activities include an extensive amount of teaching, including graduate university programs in accounting and continuing education programs in litigation, communications, and forensics.

Jeff Litvak, CPA/ABV/ASA/CFF, is a senior managing director in FTI's Forensic and Litigation Consulting practice and is based in Chicago. Litvak specializes in forensic accounting investigations and valuation matters, assessment of economic damages, analysis of lost profits, and unity of interest/separateness matters. Litvak is FTI's national
product leader in merger and acquisition disputes. Recently, he was designated as co-
chair of the AICPA Task Force on Merger and Acquisition Disputes. Litvak received the
2009 AICPA Award for Volunteer of the Year for his achievements regarding the efforts
of the AICPA's Task Force on Merger and Acquisition Disputes. Litvak has experience
in a cross-section of industries: real estate, manufacturing, wholesaling, construction,
high tech, automotive, and pharmaceutical. His extensive experience in accounting and
auditing, market penetration analysis, and corporate finance provide a strong back-
ground for analyzing damages in many types of business litigation. He has worked on
significant matters for the United States Department of Justice and Internal Revenue
Service on valuation and other corporate finance matters.

Robert M. Lloyd, Esq., is professor emeritus at the University of Tennessee College
of Law, where he taught courses in contracts, commercial law, and finance. His pri-
mary research interest is damages for lost profits. Lloyd has three times been honored
with the Harold C. Warner Outstanding Teacher Award and once with the Student
Bar Association Outstanding Teaching Award. In 1996, he received the University
of Tennessee National Alumni Outstanding Teacher Award. Lloyd is a fellow of the
American College of Commercial Finance Lawyers. He received a Bachelor of Science
degree in aerospace and mechanical engineering from Princeton University and a law
degree from the University of Michigan. Prior to his teaching career in Tennessee, he
practiced law with a large firm in Los Angeles.

Kenneth Mathieu, CPA/ABV, CFF, CAMS, is a director with a large international pro-
fessional services firm and is based in Chicago. Mathieu provides financial, economic,
and accounting services to attorneys and a variety of public and private companies in
various industries. His areas of practice include conducting analyses for dispute-related
damages involving accounting disputes, business valuation, fraudulent conveyances,
fair market value analysis, post-acquisition disputes, lost sales, lost profits, incremental
profits, product line profitability, reasonable royalty, and interest on damages. He also
conducts complex investigations related to accounting irregularities and management
conduct.

Patrick A. McGeehin, CPA, is a senior managing director with FTI Consulting Inc.
(FTI) (www.fticonsulting.com) and heads the government contracts and construction
practice in the Americas for FTI. He consults and provides expert testimony on govern-
ment contract and litigation support matters and provides contract claims assistance
and services relating to the calculation of and approach to damages, including breach
of contract, lost profits, requests for equitable adjustment, delay and disruption cases,
and fraud-related issues. McGeehin has provided expert testimony, both in deposition
and trial proceedings, on over 100 occasions and has published related articles and book
Author Biographies

chapters in various professional publications. McGeehin graduated summa cum laude from the University of Scranton and received a Masters in Business Administration degree from George Washington University.

**Greg McKinnon, CPA/CFF, CMA,** is a partner in the Litigation and Forensic Consulting Group of Hemming Morse Inc. in its San Francisco and Chico, Calif., offices. Having been a CFO and general manager in private industry as well as an accountant, auditor, and consultant, he has more than 28 years of experience in accounting, specializing in the long-term contracts, construction, and real estate industries. Currently, McKinnon applies this experience to matters in long-term contract disputes including claims for delay, disruption and loss of productivity, long-term contract, construction and real estate accounting, commercial economic damages (including lost profits), partnership, shareholder and joint venture disputes, embezzlement, fraud and false claims, lost wages, and business valuation. McKinnon also provides project contract audits and consulting on construction claims, troubled projects, and provides advice on effective systems for project management and administration. McKinnon has testified as an expert in court and at national and international arbitrations and presents his findings in mediation. He lectures on construction claims and best practices at local, regional, and national construction conferences and seminars. McKinnon earned his Bachelor of Science degree in business administration from California State University (Chico).

**Greg Naviloff, CPA (N.Y.), CFF, CFE, ABV,** provides regulatory, forensic, and compliance services to a wide array of industries with a focus on life science and healthcare organizations. Prior to joining Deloitte Financial Advisory Services LLC, Naviloff worked at other multinational accounting and consulting firms. In addition to his years of internal investigation experience, Naviloff has experience assisting clients with anti-fraud and anti-corruption programs, financial and operational audits, and risk assessment and control activities. Naviloff’s experience includes numerous corporate investigations with an emphasis on issues related to corruption, asset misappropriation, and financial statement fraud as well as resulting Securities & Exchange Commission, Department of Justice, and other regulatory inquiries.

Naviloff has also assisted in a variety of business disputes involving asset and company value, labor and employment, professional malpractice, breach of contract, antitrust, bankruptcy and reorganizations, intellectual property, securities, and other corporate litigation-related matters. Across these services, Naviloff often performs financial, accounting, and economic analyses on matters involving large volumes of documents and data and utilizes data analytics to identify hidden and obscure information.
James O’Brien, CPA, CFF, is a partner with Baker Tilly in its Philadelphia office. He has provided a variety of financial consulting and accounting services to attorneys, insurance companies, governmental agencies, and public and private corporations. Prior to joining Baker Tilly, he spent more than a decade with national and regional accounting firms. O’Brien specializes in providing financial analyses related to disputed matters, the majority involving litigation and/or insurance claims matters, as well as financial and forensic analysis of financial statements, tax returns, relevant contracts/agreements, and industry data. He has spoken before professional and educational groups on various aspects of financial analysis, litigation consulting, fraud investigations, and economic damages.

Milan Politi, J.D., has a B.A. from the University of Texas at Austin and a J.D. from Southwestern Law School in Los Angeles. She is a senior consultant at Keystone Strategy LLC, where she focuses on expert economic consulting for technology companies in the areas of IP liability, damages, and competition.

Peter Resnick, CPA, CFF, is the New England leader of the New England office of Grant Thornton’s Forensic and Valuation Services Practice. Previously, Resnick was the co-national leader of the disputes and investigation practice of a nationally recognized consulting firm. Resnick has significant experience in forensic accounting, financial consulting, financial statement audits, accounting, valuation, and fraud investigations. His clients have included law firms from throughout the country; Fortune 500 companies; high-tech, manufacturing, and software companies; healthcare providers and insurers; and not-for-profit organizations. He has provided expert testimony and analysis at trial, deposition, arbitration, and mediation proceedings.

George P. Roach practices damages law and provides consulting or testimony on corporate damages and valuation in Texas. He is also a senior adviser to the litigation consulting firm of Freeman & Mills Inc. in Los Angeles. Prior to establishing his own practice in Dallas, he directed a consulting group for a corporate litigation boutique in Dallas, operated a cattle ranch in East Texas, and worked for a major bracket investment bank in New York City. Several of his articles have been published in the Business Valuation Review and in a variety of law reviews, including “Counter-Restitution for Monetary Remedies in Equity” (Washington & Lee Law Review, Vol. 68, No.3, page 1271 (Fall 2011)) and “Rescission in Texas, A Suspect Remedy” (The Review of Litigation, Vol. 31, Summer 2012). His background includes an MBA (Harvard—high honors), J.D. (University of Texas—honors) and an A.B. in economics (UC Davis—high honors). For further information, see www.litigation-consultant.com.
Paul J. Seguin, Ph.D., is a senior affiliate consultant for Analytic Focus LLC, a national statistics, finance, and economics consulting organization. Seguin has over 25 years of experience in consulting in finance and statistics. Seguin is an internationally recognized expert in estimating cost of capital; mergers and acquisitions; valuation of publicly and privately held corporations using accounting, cash flow, and multiple-based methods; and estimation of damages including those from improper disclosure, derivative, and employee stock option valuations. Seguin has recently consulted on the calculation of damages for RMBSS and alternative investments including indexed ETNs, leveraged ETFs, and nontraded REITs. He has applied econometric approaches to 10b-6 fraud-on-the-market cases (event studies), FACTA analysis, and class-action gender discrimination and MDL anti-trust litigation.

Seguin also has decades of experience at the University of Georgia, Vanderbilt University, the University of Minnesota, the University of Michigan, and the University of Rochester. Seguin taught graduate and Ph.D.-level courses in the areas of finance and statistics. Seguin has been recognized as one of the “Top 1,000 of All Economists by Productivity and Impact,” a recognition rarely earned by a finance academic and has published in the leading peer-reviewed journals in finance, economics, and real estate. He received his M.S. and Ph.D. in finance and applied statistics from the University of Rochester, and a B.Com in finance and accounting from Carleton University in Ottawa, Canada.


Seigneur has served on the board of directors of the Colorado Sports Hall of Fame and the Colorado Association of Business Intermediaries. Seigneur is co-founder of YS Advisory, a consultancy focused on advising practitioners and attorneys on practice management and technical issues in the areas of business and IP appraisal, economic damages, financial forensics, malpractice issues, and related concerns. He has been an adjunct professor at the University of Denver, Sturm College of Law for over 25 years, where he teaches law firm finance, leadership, and management classes. He is a fellow of the College of Law Practice Management and a frequent speaker and author on valuation, economic damages, leadership, and other topics. Seigneur was the 2009-10 chair of the Colorado Society of CPAs and was inducted into the AICPA Business Valuation Hall of Fame in 2006.
Rebekah Smith, CPA, CVA, CFF, MAFF, is a member of and director of Forensic and Dispute Advisory Services with GBQ Consulting LLC in Columbus, Ohio. Smith focuses her practice on economic damages, forensic accounting, fraud, litigation consulting, and business valuation. She has rendered expert opinions in various courts for a variety of purposes including business disputes, economic loss claims, shareholder disputes, intellectual property lawsuits, asset tracing, embezzlement, and fraud. She is a member and past chair of the National Association of Certified Valuators and Analysts’ (NACVA) Executive Advisory Board and a past chair and member of NACVA’s Litigation and Forensics Board.

Gregory N. Stillman, Esq., is the former managing partner of Hunton & Williams’ Norfolk, Va., office and head of the firm’s IP Practice Group. Stillman’s practice focuses on federal trial and appellate litigation, with emphasis on patent litigation, business torts, securities, and corporate governance. He has tried more than 100 jury trials to verdict and has been admitted pro hac vice in multiple jurisdictions, including New York, New Jersey, Pennsylvania, West Virginia, North Carolina, Georgia, Tennessee, South Carolina, Florida, Texas, and California. Stillman served as lead trial counsel in the landmark case of MercExchange v. eBay, Inc. He has been involved in numerous patent cases involving a wide range of technologies such as Internet software, biotechnology, medical and orthopedic devices, telecommunications, business software, textiles, and pharmaceuticals. He is admitted to practice in the U.S. District Courts for the Eastern and Western Districts of Virginia; U.S. Bankruptcy Court, Eastern District of Virginia; U.S. Courts of Appeals for the 4th and Federal Circuits; and the U.S. Supreme Court.

Stacey D. Udell, CPA/ABV/CFF, CVA, is a partner in the public accounting firm of Gold Gerstein Group LLC. She specializes in valuation and litigation support services but also provides accounting, tax, and consulting services for closely held and family businesses. She is currently a member of the AICPA’s Forensic and Litigation Services Committee and chair of the AICPA’s Family Law Task Force. Udell was a member of the planning committee for the 2013 and 2014 AICPA Forensic and Valuation Services Conferences, vice-co-chair of the 2015 AICPA Forensic and Valuation Services Conference, and co-chair of the 2016 and 2017 conferences. She was a founding member of the AICPA’s CFF examination development committee from its inception through 2014.

Udell is on the Panel of Experts of the Financial Litigation and Valuation Expert publication. She is a contributing author to this publication, as well as the BVR/AHLA Guide to Healthcare Valuation, Family Law Services Handbook, and Financial Valuation: Applications and Models.
Timothy W. York, CPA/ABV, is the managing partner of Dixon Hughes Goodman LLP’s (DHG) national dealerships practice, which provides services to more than 1,500 rooftops in all 50 states, including six of the country’s top 10 dealership groups. York has served a number of leadership positions for national organizations. In 2014, York began a term on the AICPA Auto Dealer Committee and will additionally chair the National Auto Dealer Conference in 2015. He completed a three-year term as a member of the Business Valuation Committee for the American Institute of Certified Public Accountants (AICPA) and was the 2004 Chair of the National Business Valuation Conference for the AICPA. Furthermore, Tim has been featured in a variety of industry publications, including Automotive News and Automotive Buy Sell Report, and is a frequent speaker on automotive topics. Tim’s participation with Business Valuation Resources includes contributions to Key Trends Driving Auto Dealership Value, various editions of the Comprehensive Guide to Lost Profit and Other Commercial Damages, webinars, and more.
“It costs us nothing to be just.”

This book is about financial evidence: how to gather it, interpret it, and tell its story in a lawsuit or litigation setting. This is the task that the attorney typically retains the financial expert to accomplish. In this comprehensive guide, we bring together the financial expert’s knowledge of accepted methods and procedures with the attorney’s knowledge of legal issues and insights. This includes a summary of the applicable rules of civil procedure and of evidence, as well as the rich and continually expanding case law that interprets what courts have accepted as evidence for damages claims—and what the courts have rejected and why. This guide contains representational analyses as well as excerpts and abstracts of case law on financial damages. However, like any guidance, it is a tool and not a substitute for the professional’s knowledge of a particular case, the potential impact of local rules regarding discovery, and the jurisdictional nuances that may affect the damage calculations.

The attorneys and financial experts who have participated in putting together this text are among the best in the country in their respective areas of expertise. Our heartfelt thanks go out to all of them for their generous and substantial contributions. Each of their chapters served to make this a better, more comprehensive work covering a range of never-before-addressed topics—including extensive analysis of concepts and case law that lawyers and experts have to grapple with when faced with a damage analysis.

This fourth edition includes materials on a variety of damages measures, including lost profits or value, intellectual property damages, other commercial damages, and personal injury and wrongful termination. There is also comprehensive analysis of motions to exclude experts and an in-depth review of the concept of reasonable certainty, the result of significant research on the topic.

Much of the text’s material has been substantially enhanced for this edition, and we thank the continuing efforts of the panel of contributing authors for their efforts. Additionally, many case abstracts have been added.

In addition to these expanded materials, new topics have been added to this edition, including the use of statistics in damage analyses; event studies in securities litigation; the use of surveys in intellectual property damages; personal injury; wrongful termination;

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1 Henry David Thoreau, “A Plea for Captain John Brown” (1859).
compensation forfeiture; Internet tools for assessing intellectual property infringement; and insolvency and fraudulent transfers. The expansion to include these and other topics is the reason this treatise is now titled *The Comprehensive Guide to Economic Damages* instead of *The Comprehensive Guide to Lost Profits and Other Commercial Damages*.

Finally, this edition also includes new abstracts of many of the damages cases found throughout the book.

Once again, Business Valuation Resources LLP has provided extraordinary support, and, in particular, we thank Sarah Andersen, publisher at BVR, whose assistance has been irreplaceable, as well as Sylvia Golden for her valuable assistance with case abstracts.

To all our new contributors to the guide, a warm welcome and to all who participated in this edition, a heartfelt thank you.

We hope you find this text to be a rich resource for your practice and welcome your suggestions and input for our continuing updates and for new topic areas that would benefit your work as an attorney or expert.

Nancy J. Fannon and Jonathan M. Dunitz
2016
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