



**Joseph E. Obermeyer**

Mr. Obermeyer provides financial and economic consulting services to a wide range of clients in a variety of industries. With over 20 years of testimony experience, he is an expert in performing damage analyses in complex matters and communicating the results in a clear and concise manner. From 1988 through 1999 Mr. Obermeyer worked in the Litigation Support groups of several Big Four accounting firms in Miami. Since 1999 he has worked as an independent consultant advising clients primarily in the areas of valuation and damage quantification. He started his career in New York where he was a Senior Analyst, Second Vice President at Smith Barney.

Over much of the last 25 years, Mr. Obermeyer has worked with entities involved in disputes. The disputes have been before a variety of forums, including State Courts, Federal Courts, American Arbitration Association, International Arbitration, as well as pre-filing negotiations. He has worked on behalf of both Plaintiffs and Defendants. His clients have ranged from individuals to Fortune 100 corporations.

Mr. Obermeyer has provided economic, financial, and accounting analysis to clients in a variety of circumstances. He has quantified damages resulting from many different causes, including: breach of contract, defective products, professional malpractice, fraud, unfair trade practices, personal injury, wrongful death, slander, libel, and employment discrimination. The following engagement summaries illustrate the breadth of his experience:

- Analyzed damage claims made by growers against a chemical company for losses associated with the use of an allegedly defective fungicide. Thousands of claims were made for ornamental nurseries, row crops, ferns, citrus groves, and various flowers. The claims ranged from minor lost profits to total destruction of the business. Mr. Obermeyer's analysis resulted in reasonable settlement amounts in many of the cases. He testified in several cases that did go to trial.
- Assisted cellular service provider in providing class members' counsel data needed to make claims for improperly terminated cellular plan. A court had found that a cellular service provider had improperly terminated a low cost service plan. The service provider was required to provide records for each class member showing usage and charges for subsequent plans. Mr. Obermeyer designed a procedure to retrieve the records from micro-film, digitize the data, and provide it to counsel in a computer readable format. Mr. Obermeyer supervised a team that reviewed the claims made by the class members' expert and discovered and corrected numerous calculation errors that would have result in the overpayment of damage amounts.

**Joseph E. Obermeyer (Con't) - Page 2**

- Refuted claims made by a cruise line that an outbreak of legionnaire's disease aboard one of its ships had caused a continual loss of profits for five years and resulted in a discounted price when the line was eventually sold. Mr. Obermeyer provided testimony critical of plaintiff's expert's calculations of lost profits and loss of business value. The jury rejected plaintiff's claim and accepted the much lower amount put forth by defendant.
- Worked with outside special counsel to investigate allegations of illegal activity made against a company on the eve of an IPO. A former employee, who was involved in a dispute over his termination, hinted in a deposition that he was aware of bribes paid by the company to obtain work. The company's directors hired independent special counsel to investigate. Their investigation revealed that bribes had been paid to gain business, but that they were the work of the former employee, without the knowledge of the company's management. Mr. Obermeyer led a team that reviewed the former employee's expense records and discovered a series of fraudulent submissions that had been used to fund the bribery scheme. The results of the investigation were given to the local prosecutor who successfully pursued cases against both the former employee and his bribe accepting contact at the customer firm.
- Calculated the cost to restore a leased marina property to good working order. Under the terms of a lease, the lessee was responsible for maintaining the property in good working order. When the property was returned to the owner/lessor, it was not in good working order. Storm damage to structures had not been fully repaired. There were problems with the fuel storage and delivery systems. The marina had silted over in some areas, making some slips un-rentable and restricting the access channel to the marina. Mr. Obermeyer documented the expenditures that the owner had made for immediate emergency repairs to the fuel storage and delivery systems as well as correction of unsafe electrical systems. He worked with vendors, engineers, and contractors to obtain documented estimates for the remaining repairs. He also calculated lost profits for the construction period to rebuild the ships' store on the property and for the time that access would be restricted and slips un-rentable pending the required dredging. The owner received a favorable cash settlement from the lessor.

Since 2003 Mr. Obermeyer has served as an Independent Director and Trustee for ING Funds, a mutual fund complex with over \$20 billion in assets under management. He is Chairman of the Audit Committee and is designated as an Audit Committee Financial Expert under Sarbanes-Oxley. Mr. Obermeyer is also Vice Chairman of the Contract Committee which oversees fund performance and fees and approves the terms of the annual contract with the funds' advisor.



**Joseph E. Obermeyer (Con't) - Page 3**

Mr. Obermeyer is a Summa Cum Laude graduate of the University of Cincinnati, where he earned his B.B.A. in Finance. The faculty selected him Outstanding Finance Student. He went on to receive his M.B.A. with majors in Finance and Accounting from Indiana University. Mr. Obermeyer won the Amax Foundation Scholarship and was the Graduate Assistant to the Dean of the Undergraduate School of Business. He is a member of the Institute of Management Accountants. From 1991 through 1999 Mr. Obermeyer served on the Federal Judicial Bar and Community Liaison Committee for the Southern District of Florida.

