

COMMERCIAL LITIGATION AND ECONOMIC DAMAGES

In litigation, financial experts can provide invaluable assistance to counsel in unraveling the financial intricacies at the root of a case. Accountants speak the language of business and can often clarify business transactions and explain the records reflecting them to lawyers, judges and juries. Economists can help interpret the effects of an action or a pattern of behavior on aggrieved parties.

Attorneys rely on Marks Paneth & Shron LLP (MP&S) to compute or rebut the damages' claims for economic loss. MP&S's litigation professionals represent a team of knowledgeable and skilled professionals with extensive experience in delivering results under the unforgiving pressures of the litigation environment.

Whether as consultants providing thorough and timely analysis, or as expert witnesses testifying on complex cases, we can infuse your case with the expertise needed to gain an advantage.

Services Offered

Discovery Assistance:

- Formulate document requests, assess the responsiveness of particular productions, and advise re what other documents may exist
- Assist counsel in understanding the real issues, formulating effective fact witness deposition questions, understanding the answers and developing follow-up questions
- Analysis of the strengths and weaknesses of the opposing expert's report and develop deposition questions

Proof of Business Facts:

- Obtain, understand, authenticate, organize and explain the business records of the parties and relevant industry and market information

Computation of Damages:

- Actual losses incurred, i.e. due to fraud or oppressive actions
- Expected profits "but for" contract breach
- "Cost to restore" in equitable rescission cases
- Lost earnings of persons
- Business interruption claims

Development of Strategy:

- Suggest approaches to the business issues in a case; objectively assess the economic foundation for proffered positions
- Analysis of, and offer advice on, how best to discredit the opposing expert's work
- Analysis of settlement proposals including consideration of the tax ramifications

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Services Offered (Continued)

Document Management:

- Accessing computer systems in a non-intrusive manner
- Downloading data and formatting it appropriately for court purposes
- Serving as the custodian of computer systems and files to ensure their integrity

GAAP/GAAS Rules and SEC Compliance:

- Explain the accounting or auditing standards or SEC regulations applicable to a particular transaction, scheme or course of conduct
- Opine on compliance with the relevant professional standards in malpractice and similar cases

Expert Reports and Testimony:

- Render an expert report and provide expert trial testimony
- Prepare and analyze trial exhibits
- Suggest effective lines of cross-examination