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Charles Lundelius is the Managing Director of BRG's Capital Markets Group, specializing in regulation of and securities trading by broker-dealers, investment advisers, hedge funds, insurance companies and banks and commodities trading by futures commission merchants. He consults with and provides expert testimony on behalf of clients in the areas of:

- securities and accounting fraud,
- investment management,
- complex investor suitability,
- insider trading,
- stock manipulation,
- securities market regulation,
- securities valuation and share price modeling,
- financial accounting and internal control standards, and
- commodity futures trading regulation and accounting.

As an expert witness over the past twenty-five years, Mr. Lundelius has testified in over fifty different cases. When the United States Securities and Exchange Commission ("SEC") identified key cases it brought relating to the 2007 financial crisis, Mr. Lundelius had testified or was asked to testify in three of those matters.¹ Also, among Mr. Lundelius' more notable consulting engagements, the SEC Inspector General asked Mr. Lundelius to lead the team investigating the SEC's failure to uncover the Madoff Ponzi scheme.

Mr. Lundelius is a Certified Public Accountant and is Accredited in Business Valuation and Certified in Financial Forensics by the American Institute of Certified Public Accountants. In addition, while a senior officer of a Financial Industry Regulatory Authority ("FINRA") broker/dealer that served as lead

¹ SEC Enforcement Actions Addressing Misconduct That Led to or Arose From the Financial Crisis, <http://www.sec.gov/spotlight/enf-actions-fc.shtml>.

underwriter for securities syndications, Mr. Lundelius held a General Securities Principal license (Series 24, 7 and 63) and was a Registered Investment Adviser. Mr. Lundelius calculated and evaluated broker-dealer capital adequacy under the Net Capital Rule and prepared and filed FOCUS Reports.² In 1999, Mr. Lundelius was appointed by the NASDAQ Board of Directors to serve on the NASDAQ Listing Qualifications Panel, the body that reviews the listing and delisting of securities traded on The NASDAQ Stock Market.³ His term ended in 2006.

Mr. Lundelius has over 30 years of experience, including 7 years in securities and investment banking in Houston and 3 years as senior vice president and chief financial officer of a life and health reinsurance carrier in Dallas. Mr. Lundelius' securities and investment banking experience includes underwriting, portfolio management, derivatives, high-yield bond and securities and commodities market analysis. He has consulted and/or testified in the areas of the underwriting process, securities market pricing, hedge fund operations, investment suitability, securities fraud, fiduciary duties, compliance and due diligence practices. He has given testimony before administrative hearings of the SEC, in federal and state courts, at FINRA arbitrations, and before governmental hearings. Mr. Lundelius has qualified as an expert in securities trading and valuation, Investment Adviser and Investment Company Act matters, damages, financial analysis, accounting, fiduciary duties and econometrics. Also, while working for major, international accounting firms over several years, Mr. Lundelius served as an auditor of financial institutions, including broker-dealers, banks and thrifts, in the practice of public accountancy.

In his capacity as insurance company chief financial officer ("CFO"), Mr. Lundelius' duties included managing the company's bond investment portfolio, financial forecasting, and regulatory reporting. In addition, Mr. Lundelius' firm participated in the National Association of Insurance Commissioners' pilot study that led to the implementation of risk-based capital measurement in the insurance industry. Concurrent with his service as insurance company CFO, Mr. Lundelius was also CFO of one of the largest managing general agencies in the U.S., writing in excess of \$40,000,000 in new premium business annually, and served as trustee of the firm's self-directed 401k pension plan. Mr. Lundelius also served on the board of directors of the life and health insurance company and the boards of several insurance marketing firms. In his present role as a consultant, Mr. Lundelius has analyzed finite reinsurance issues relating to various SEC and criminal investigations.

In 2003, Mr. Lundelius authored *Financial Reporting Fraud: A Practical Guide to Detection and Internal Control*, peer-reviewed and published by the AICPA, which has been used as a textbook in academic and professional courses. The second edition of the book was released in July, 2010.

Volunteering with not-for-profit organizations, Mr. Lundelius has served on finance and audit committees overseeing financial reporting, internal controls, investment management and policy, and operational issues. For a major Episcopal Church congregation in Washington, DC, Mr. Lundelius

² Financial and Operational Combined Uniform Single Reports, SEC Form X-17A-5.

³ "NASDAQ" stands for National Association of Securities Dealers Automated Quotations.

analyzed investment objectives and operating cash requirements to develop long-term investment policy, as well as processes to monitor performance. For another congregation, as chair of the finance committee, Mr. Lundelius analyzed internal controls, supervised the change in accounting systems, revised administrative and investment policies, and updated budgeting processes. Currently, under appointment by the Episcopal Diocese of Washington, Mr. Lundelius now serves as the Chair of the Diocesan Audit Committee, overseeing internal controls for the multi-million dollar operating budget for the diocese and its endowment funds. Mr. Lundelius also has served on the Diocesan Finance Committee and as a seminar instructor to church treasurers on Not-For-Profit accounting and internal control issues, and he has consulted with the diocese on audit and accounting issues relating to diocesan financial statements.

Securities, Commodity Futures and Investment Management Expertise

In the areas of securities and commodity futures transactions, investment management and related regulatory regimes, Mr. Lundelius has:

Securities Transactions and Regulation

- On behalf of the SEC's Office of Inspector General, assisted in the investigation of the failure of the SEC to uncover the Madoff Ponzi scheme. Mr. Lundelius led a team of securities experts that interviewed SEC examinations staff and reviewed examinations work papers, policies and procedures and related documents. His work was cited by the Inspector General throughout the IG's report of investigation,⁴ and his team issued a separate report of recommendations to improve operations at the SEC Office of Compliance Inspections and Examinations.⁵ Mr. Lundelius supervised the analysis of purported trading volume on behalf of investors by comparison of trading reported by Bernard L Madoff Investment Securities LLC ("BMIS") to FINRA and NSCC records,⁶ as well as securities positions held at DTC,⁷ and he developed findings relating to how the SEC could have detected Madoff's fictitious trades. Mr. Lundelius and his team also developed recommendations for improvement of SEC broker-dealer and investment adviser examinations. In his written testimony before the US Senate Committee on

⁴ Investigation of Failure of the SEC to Uncover Bernard Madoff's Ponzi Scheme, August 31, 2009, <http://www.sec.gov/news/studies/2009/oig-509.pdf>.

⁵ Review and Analysis of OCIE Examinations of Bernard L. Madoff Investment Securities, LLC, SEC OIG Report No. 468, September 29, 2009, <https://www.sec.gov/oig/reportspubs/468.pdf>.

⁶ "NSCC" is the National Securities Clearing Corporation, a subsidiary of the Depository Trust & Clearing Corporation ("DTCC"), which provides clearing, settlement, risk management, central counterparty services and a guarantee of completion for certain transactions for virtually all broker-to-broker trades involving equities, corporate and municipal debt, American depository receipts, exchange-traded funds, and unit investment trusts.

⁷ "DTC" is the Depository Trust Company, another subsidiary of DTCC, which effects "book-entry" changes to ownership of the securities. DTC provides securities movements for NSCC's net settlements, and settlement for institutional trades (which typically involve money and securities transfers between custodian banks and broker/dealers), as well as money market instruments.

Banking, Housing and Urban Affairs, the Inspector General said Mr. Lundelius and his team brought specialized experience:

... including expertise in complex financial fraud investigations, securities-related inspections and examinations, hedge fund operations, cash flow analysis and valuations, market regulation rules, market structure issues, accounting fraud, investment suitability, the underwriting process and compliance and due diligence practices.⁸

- With regard to investment advisers who recommended investments in Madoff funds, was qualified as an expert in investment adviser due diligence and testified in multiple arbitrations on the fiduciary duties of advisers.
- On behalf of KPMG LLP, was qualified in arbitration as an expert in auditing standards, investment fund operations and forensic accounting. Mr. Lundelius testified regarding the legitimate and illegitimate operations of BMIS, materiality of compliance with trading directives and the presumed findings of auditors had those auditors performed extended procedures at BMIS as a service organization during the audits of funds that invested with Madoff. Testimony included the roles of NSCC, DTC and London Stock Exchange in securities clearance, the role of primary dealers in trading and custody of US Treasury securities, and OTC options trading in Europe.
- On behalf of PricewaterhouseCoopers Canada and PricewaterhouseCoopers Netherlands, testified regarding auditing standards under both US Generally Accepted Auditing Standards (“US GAAS”)⁹ and International Standards on Auditing (“ISA”)¹⁰ relating to audits of funds that invested with BMIS. Areas of testimony included the regulatory framework for broker-dealers and investment advisers, the auditors’ role related to internal controls and assessing materiality under US Generally Accepted Accounting Principles (“US GAAP”),¹¹ materiality of compliance with trading directives, and how the Madoff fraud was perpetrated.
- On behalf of the SEC, assisted in the investigation of alleged use of odd-lot non-agency mortgage-backed securities (“MBS”) by a major fixed income fund manager to increase returns on its total return Exchange-Traded Fund. Analysis included determination of size, liquidity, quantity and trading patterns of odd-lot MBS, as well as impact of odd-lot values on fund returns during the early stages of the fund. Analysis also included review of auditor work papers

⁸ Written Testimony of H. David Kotz, Inspector General of the Securities and Exchange Commission, Before the US Senate Committee on Banking, Housing and Urban Affairs, September 10, 2009.

⁹ Generally Accepted Auditing Standards in the United States are promulgated by the Public Company Accounting Oversight Board for SEC registrants and by the Auditing Standards Board of the AICPA for non-registrants.

¹⁰ International Standards on Auditing are issued by the International Auditing and Assurance Standards Board.

¹¹ “US GAAP” are the Generally Accepted Accounting Principles for the United States promulgated by the Financial Accounting Standards Board.

relating to valuation of financial instruments. The fund manager settled by admitting alleged infractions.

- On behalf of a major California-based financial institution, analyzed the operations of a broker-dealer subsidiary of a bank holding company with regard to sale of Structured Investment Vehicle (SIV-lite) Asset Backed Commercial Paper to an insurance company. Analysis included a detailed evaluation of the capital structure and vintages of the SIV-lite as well as liquidation and wind-down procedures, evaluations by Nationally Recognized Statistical Rating Organizations, and broker due diligence procedures. With regard to suitability, analysis included evaluations under the Exchange Act of 1934, Investment Advisers Act of 1940, Federal Reserve Board Regulation R, FINRA regulations and California Insurance Code requirements.
- On behalf of Wells Fargo & Company, testified at arbitration regarding investment suitability, adviser fiduciary duties, and securities-backed lines of credit (“SBLOCs”). Analysis included use of margin under FRB Regulation T, SBLOCs under Regulation U and bank brokerage operations under Regulation R. Testimony on fiduciary duties included evolution of SEC standards contained in regulations and publications from the Division of Investment Management. Mr. Lundelius also assessed customer sophistication based on emails and text messages between the customer and the broker’s registered representative.
- On behalf of regional wirehouse firms, assessed validity of short positions taken in the process of underwriting Private Investment in Public Equity Securities (“PIPEs”) offerings. Analyses included compliance with short selling rules prior to PIPEs issuance, liquidity of PIPEs markets, and valuation of related securities.
- On another PIPEs matter in which the SEC alleged inflated share prices created excess compensation for an investment manager, evaluated the impact of PIPE offerings and equity lines of credit on issuer stock price, Rule 144 considerations, and valuations of securities issued.
- Testified on behalf of a private equity fund regarding appropriateness of investments in PIPEs and equity lines of credit.
- While serving on the NASDAQ Listing Qualifications Panel, evaluated multiple financing proposals by listed firms attempting to increase capital utilizing PIPEs, equity lines of credit, and similar vehicles.
- Testified at NASD¹² enforcement proceeding regarding commissions relating to allocations of Hot IPO¹³ shares brought by NASD Department of Enforcement (DOE) against Ken Langone’s

¹² The National Association of Securities Dealers, Inc. (“NASD”) was the predecessor self-regulatory organization to FINRA.

¹³ An IPO is a corporation’s first offering of stock to the public. A “Hot IPO” or hot issue is one in which the stock immediately trades at a premium in the aftermarket because there is greater public demand for the stock than there

broker-dealer, Invemed Associates, with regard to Rule 17a-5 broker accounting and books and records requirements. Mr. Lundelius' testimony included opinions on US GAAP, US GAAS, and SEC rules and staff accounting bulletins dealing with revenue recognition, materiality and financial statement presentation. Mr. Lundelius also analyzed the impact of DOE's enforcement positions on aspects of the underwriting process such as commission rate structures and the distribution of securities to hedge funds and small investors. NASD Panel returned a decision in favor of Mr. Langone. In an unrelated matter, the Supreme Court of the United States cited the *Invemed* decision with regard to reasonableness of securities fees and commissions from customers who received Hot IPO allocations.¹⁴

- On behalf of an individual investor in a FINRA arbitration, prepared analysis of risk exposure due to portfolio concentrations in limited number of securities using margin debt. Case was successfully settled.
- On behalf of a broker-dealer, analyzed churning claims by investor who aggressively traded in his account, with turnover in excess of 24:1, while maintaining numerous other accounts at other firms which had little turnover. Case was successfully settled.
- At arbitration, testified as to propriety of closing trading windows for corporate insiders and the materiality impact on stock price, using share-trading models, had the windows remained open for an executive wishing to exercise stock options; in addition, analyzed damages using Black-Scholes, variable prepaid forward and share valuation models.
- On behalf of an executive of a major equipment supplier to the gaming industry accused of insider trading by the SEC, prepared an analysis of business plans and public disclosures, as well as published analysts' reports, to determine if inside information was public. In addition, Mr. Lundelius analyzed market efficiency of the gambling company stock by use of an event study and other metrics, including those metrics established by his testimony in prior cases, to determine materiality. Business plan analysis included assessment of operations and opportunities in the Las Vegas and Macau markets, the latter involving significant evaluation of Asian gambling practices and patterns.
- In federal district court in San Jose, qualified as an expert in accounting relating to the auditing and accounting for share-based payments in a stock option backdating claim brought against the former CFO of Maxim Integrated. Mr. Lundelius opined on documentation standards under US GAAS and accounting for options under US GAAP, including valuation and materiality.
- In federal district court for the Southern District of New York, qualified as an expert in auditing standards in a criminal proceeding involving a former KPMG partner accused of obtaining

are available shares.

¹⁴ *Credit Suisse Securities (USA) LLC FKA Credit Suisse First Boston LLC, et al. v. Glen Billing, et al.*, 551 U.S. 264 (2007).

advance notice of Public Company Accounting Oversight Board (“PCAOB”)¹⁵ audit inspections. Testimony included assessment of changes made to audit work papers after the report release date for audits of publicly traded banks and financial services firms and adequacy of documentation for credit loss provisions. Relevant PCAOB standards included *AS 1001 – Responsibilities and Functions of the Independent Auditor*, *AS 1105 – Audit Evidence*, *AS 1215 – Audit Documentation*, *AS 2201 – An Audit of Internal Control Over Financial Reporting that is Integrated with an Audit of Financial Statements*, *AS 2501 – Auditing Accounting Estimates*, *AS 2502 Auditing Fair Value Measurements and Disclosures*, *AS 2601 – Consideration of an Entity’s Use of a Service Organization*, *AS 2801 – Subsequent Events*, *AS 2901 – Consideration of Omitted Procedures After the Report Date*, *AS 2905 – Subsequent Discovery of Facts Existing at the Date of the Auditor’s Report*, and *AS 4101 – Responsibilities Regarding Filings Under Federal Securities Statutes*.

- Assisted New York Stock Exchange specialist firms Van Der Moolen and LaBranch with interpretation of Exchange Rules during the Exchange’s investigation of specialist interpositioning and best execution violations. Engagements included analysis of trading systems and matching alleged violations identified by the Exchange with trade records from the specialists, examining for evidence of front-running and latency of trade execution. Scope of the engagements involved millions of trades.
- In testimony in federal district court in Florida, refuted stock manipulation charges by SEC through analysis of the stock’s illiquid market and share price movements at the time the issuer and promoters made news announcements. Mr. Lundelius discussed measures of random walk, such as Augmented Dickey Fuller tests, bid-ask spread, and stock price reaction to news entering the market. In his opinion, Senior Judge Gonzalez cited numerous statistics from Mr. Lundelius’ testimony and report.¹⁶
- In a similar case brought by the SEC in federal district court in Connecticut against a public company and brokers trading its stock, testified for defendants about specific alleged matched trades and market maker quotes preceding those trades. The jury deadlocked on some counts but found for defendants on all others. In a retrial at which Mr. Lundelius testified on quote spreads and ability to “mark the close”, the jury found for the defendant stock broker. Testimony in both cases included market efficiency analyses as demonstrated by Augmented Dickey Fuller tests of random walk and other measures of efficiency. Testimony in both Florida

¹⁵ The PCAOB issues audit standards for publicly traded companies listed on US stock exchanges. The PCAOB also inspects auditors of those public companies as well as auditors of broker-dealers.

¹⁶ *Securities and Exchange Commission v. David Gane, et al.*, 2005 U.S. Dist. LEXIS 607; 18 Fla. L. Weekly Fed. D 401, at 35-37.

and Connecticut district courts, as well as subsequent case history, expanded the list of factors to consider when determining whether a security trades in an illiquid market.¹⁷

- Further to stock manipulation claims relating to the 2010 Flash Crash, advised high frequency traders on issues relating to regulation, policy and economic issues.
- Consulted for defendants in a criminal action brought by the New York Attorney General against a securities broker and a promoter charged with selling fraudulent and unsuitable investments. On separate matters brought by the Manhattan District Attorney's office and the Office of the U.S. Attorney, consulted on IPO share allocations, marking the close and no-net-sales issues relating to brokers charged with stock manipulation and "pump and dump" schemes.

Commodity Futures Trading and Regulation

- On behalf of the National Futures Association ("NFA"), led the investigation of the failure of NFA auditors to detect fraud at Peregrine Financial Group, Inc. The investigation analyzed audit standards and the regulatory and operational aspects of futures commission merchants, especially United States Commodity Futures Trading Commission ("CFTC") Regulations 1.14, 1.15 for risk assessment, CFTC Regulations 1.20, 1.25 and 30.7 for segregated and secured funds and CFTC Regulation 1.17 for net capital. The investigation also included examination of NFA and Joint Audit Committee¹⁸ procedures and an assessment of material compliance with those procedures. The investigation produced a report of findings¹⁹ and a report of recommendations²⁰ for NFA.
- On behalf of Jon Corzine and others, testified regarding the scope of CFTC Regulation 1.16 and the role of independent accountants in protecting customer funds at MF Global, Inc., a CFTC-registered futures commission merchant and a SEC-registered broker-dealer. Analysis included application of CFTC regulations for both segregated and secured funds, and the calculation of required minimum balances for both, the availability and use of excess funds, and the interaction of FINRA rules with CFTC regulations.
- On behalf of a major investment bank, determined the compliance of a major futures commission merchant with accounting and valuation covenants in credit facilities. Analysis included assessment of CFTC and NFA regulatory requirements, applicable US GAAP

¹⁷ A list of factors to consider to determine whether a security traded in an inefficient or illiquid market were developed in *Rose CAMMER, et al., v. Bruce M. BLOOM, et al.*, U.S.D.C. New Jersey, 711 F.Supp. 1264 (1989), also known as the "Cammer Factors".

¹⁸ The Joint Audit Committee is a representative committee of the audit and financial surveillance departments of U.S. futures exchanges and regulatory organizations, including representatives of the NFA and other self-regulatory organizations as well as representatives of the CFTC.

¹⁹ Report of Investigation: Analysis of the National Futures Association's Audits of Peregrine Financial Group, Inc., http://www.nfa.futures.org/news/BRG/report_of_investigation.pdf .

²⁰ Recommendations Report: Analysis of the National Futures Association's Audits of Peregrine Financial Group, Inc., http://www.nfa.futures.org/news/BRG/final_recommendations_report.pdf .

standards, and reporting requirements. Commodities trading separate accounts and investments in commercial paper and futures positions were also assessed, as well as operations of a related global investment fund.

- Relating to a separate futures commission merchant, analyzed the corporate governance and financial reporting for offshore commodities pools, including trading operations, position management and reporting. Mr. Lundelius consulted on third party administrator functions and duties for hedge funds, especially for foreign funds based in the Cayman Islands.
- On behalf of a futures commission merchant subject to CFTC Order, served as independent third party reviewer, approved by the CFTC, to assess measures implemented to correct CFTC findings of inadequate supervisory procedures (Regulation 166.3) and inadequate credit and concentration risk policies and controls. Analyses consisted of detailed examinations of position limits and credit limits and the operation of related controls.²¹

Investment Management and Regulation

- On behalf of the US Department of the Interior, analyzed investment practices relating to funds held in trust for Indian Nations, including adequacy of documentation, suitability of investments, and adherence to the Prudent Investor Act. Mr. Lundelius was qualified in Federal Claims Court as an expert in prudence of trust fund investments, accounting and auditing of trusts, fiduciary duties and trust fund management.
- On behalf of The Reserve Fund, as part of settlement negotiations with the SEC, prepared a comprehensive cost allocation study to assess the profitability of the investment adviser and related distribution and management entities within the fund complex. In an action brought by the SEC, Mr. Lundelius testified as to damages incurred when The Reserve Fund broke the buck in September, 2008, including assessment of investor earnings and asset recoveries. In a ruling on motions in that case, Judge Gardephe stated that Mr. Lundelius was “qualified by training and experience” to offer opinions and that he considered Mr. Lundelius’ report “in connection with the parties’ arguments about the disgorgement remedy sought in the complaint”.²²
- On behalf of a fund manager during an SEC Wells Process, submitted an affidavit that evaluated fund returns in accordance with Global Investment Performance Standards,²³ after

²¹ In the Matter of FC Stone LLC, Order Instituting Proceedings Pursuant to Sections 6(c) and 6(d) of the Commodity Exchange Act, CFTC Docket No. 13-24, May 29, 2013.

²² Transcript of proceedings in United States District Court, Southern District of New York, before Hon. Paul G. Gardephe, March 28, 2012.

²³ Global Investment Performance Standards (“GIPS”) are promulgated by the CFA Institute and are used measure and report investment portfolio performance.

allocating costs to appropriate categories, including organization costs. Analysis also involved valuation of an early-stage pharmaceutical start-up firm.

- Testified, relating to an insurance claim, regarding the operations of a broker-dealer distributor within TIAA-CREF Individual & Institutional Services, Inc., a major fund complex. Testimony included analysis of servicing agreements and FOCUS reports, tracing fee reimbursements and accounting for proprietary gains and losses due to delayed transactions. Specific areas reviewed included *Brokers and Dealers Investments*, ASC 940-320-35; *Risks and Uncertainties*, ASC 270-10;²⁴ *Auditing Accounting Estimates, Including Fair Value Accounting Estimates, and Related Disclosures*, AU-C Section 540; SEC Staff Accounting Bulletin No. 99, *Materiality*; Section 22(e), and Rules 22c-1(a) and 2a-4(a) of the Investment Company Act.
- On behalf of a pension plan, assessed the development of investment recommendations by a major registered investment adviser, including application of ERISA standards, relating to an index arbitrage strategy utilizing an unaudited intermediary. Mr. Lundelius analyzed operational due diligence performed by the adviser as well as subsequent correspondence between the adviser and the SEC and US Department of Labor.
- At a criminal trial in US District Court, was qualified as an expert in accounting, pension plans and business valuation and testified on regulations relating to operations of registered investment advisers with regard to underwritings by affiliates and the related securities and ERISA requirements for pension fund clients, including SEC and US Department of Labor rulings. Testimony also included assessment of internal controls and financial and securities reporting requirements under both the Investment Company Act and the Investment Advisers Act of 1940.
- On behalf of a \$7 billion AUM investment adviser and under order from the SEC²⁵ as SEC-approved Independent Consultant to examine compliance with Sections 204(a), 206(2) and 206(4) of the Investment Advisers Act of 1940 and Rules 204-2(a)(12), 206(4)-2(a) and 206(4)-(7) thereunder, reviewed:
 - Internal controls over financial reporting
 - Best execution, trade allocation and compliance reporting
 - Investor reporting, accuracy of answers to due diligence questionnaires, and timeliness of fund audits
 - Trade monitoring, risk exposure, and controls over use of inside information, cherry-picking, and front-running
 - Segregation of duties and functions for related broker-dealer
 - Compliance policies and procedures, including Rule 206(4)-(7) reporting

²⁴ "ASC" refers to the Accounting Standards Codification implemented in the United States by the Financial Accounting Standards Board in 2009. References to pre-codification financial accounting standards in this *curriculum vitae* have been updated to current ASC references.

²⁵ <https://www.sec.gov/litigation/admin/2011/34-64442.pdf>.

Additional work was performed to determine if there was evidence of insider trading during the period from 2006 – 2008 and to analyze the controls over insider trading. In addition, pursuant to review of Rule 206(4)-(7), the SEC required assessment of policies and procedures for all issues listed above as well as progress reports on the implementation of remediation to any deficiencies. Two reports were filed with the SEC's Enforcement Division in Los Angeles. In addition, Mr. Lundelius held face-to-face meetings with compliance personnel of major brokerages whose customers invested with the investment adviser regarding the impact of the SEC Order, investment manager changes and controls improvements.

- Analyzed portfolio investments, on behalf of a pension plan, for lack of diversification under ERISA as alleged by Department of Labor, incorporating portfolio research findings on time diversification of money with Prudent Investor standards. DOL settled under favorable terms after Mr. Lundelius' presentation of findings to opposing counsel in the Office of Solicitor.
- On behalf of pension fund customer, reviewed broker/dealer due diligence procedures for real estate direct participation programs and suitability of those programs for pension fund investment, analyzing asset allocation and fund investment policies and valuing the investment interests in each real estate entity. Case was successfully settled.
- On behalf of Fifth Third Bank, testified regarding the obligations of a private equity investment adviser when recommending investment in a premium finance lender for life settlements. Testimony included failures in due diligence with regard to internal control significant deficiencies and material weaknesses cited by auditors. Analysis also included forensic tracing of expense and revenue frauds to those internal control deficiencies and weaknesses.
- At FINRA arbitration, testified, as an expert on corporate governance and fiduciary standards, on behalf of Charles Schwab & Co. regarding the appropriate governance structure and board fiduciary duties with respect to investment selection and monitoring by a not-for-profit entity.
- In a separate matter on behalf of Charles Schwab & Co., testified at FINRA arbitration regarding the appropriate governance structure and board fiduciary duties with respect to investment selection and monitoring by a property and casualty insurance carrier. Testimony included role of investment committee, investment advisers, and board oversight.
- On behalf of a registered investment adviser, testified at trial in California State Court on portfolio management, fiduciary duties, and damages relating to a long/short strategy fund. Jury returned a favorable verdict.
- In connection with regulatory investigations of research published by securities analysts, evaluated the discounted cash flow and working capital forecasts, including estimates of liquidity, earnings multiples and future funding needs, made by a Salomon Smith Barney analyst, working with Jack Grubman, for telecommunications securities, including equities and

distressed high yield bonds, covered by SSB in connection with an NASD arbitration proceeding.

- In connection with a large accounting internal investigation, analyzed derivatives transactions and financial models of Freddie Mac, a major originator of mortgage bond structured securitizations and a primary dealer in treasury bonds utilizing one of the most comprehensive hedging operations in the financial services industry. Areas of investigation included extensive interviews of trading and accounting personnel, evaluation of accounting issues, assessment of bond trading systems, financial analysis of derivative transactions (impact on duration, convexity and swaption valuation using Black-Scholes), *ASC 320 - Investments* classification, and determination of economic rationale for transactions. As part of this analysis, Mr. Lundelius also extensively reviewed and recomputed Value at Risk measurements incorporating findings from the internal investigation.
- Analyzed insider trading activities of Section 16 officers in class action and criminal prosecution matters, including valuation of vested and non-vested options, interaction with short-swing profit rule, tax implications, and SEC Rule 144 and other restrictions.
- On behalf of Lucent, analyzed damages alleged by seller due to decline in Lucent restricted stock received as payment for firm acquired by Lucent, including the timeliness of the process for removing restrictions under Rule 144. Damages analysis included ability of seller to hedge by use of option, costless collar, variable prepaid forward and other strategies.
- Analyzed complex derivative transactions (including Black-Scholes and Convenience Yield analyses) intended as cash flow hedges, under ASC 815 – *Derivatives and Hedging*, for energy commitments made by major utilities with regard to an earnings restatement and an SEC investigation. In addition, while employed by a major accounting firm, Mr. Lundelius advised auditors of an international electric power company on accounting issues.
- Analyzed auditing and disclosure of derivative transactions of Safety-Kleen, a major landfill and waste disposal firm, including assessment of accounting treatment of swaptions and other instruments.
- In administrative hearing before the SEC, designed and testified regarding econometric models to determine the impact of securities trading under various market conditions, modeling securities price valuation, event analysis, the impact of institutional investor trading and the role of transfer agents. In her opinion, SEC Administrative Law Judge Foelak referenced the modeling methodology and cited extensively from Mr. Lundelius' testimony regarding his assessment of the actions that would have been taken by an “economically rational

shareholder”.²⁶ At the hearing, Mr. Lundelius was qualified as an expert in securities valuation and as an expert in the price behavior of securities sold into thinly traded markets.

- On behalf of several high net worth investors, investigated alleged misuse of insurance products, SEC Rule 144 offerings and master limited partnerships by family office operations at Merrill Lynch, Morgan Stanley, and major bank trust companies. Mr. Lundelius’ engagements included the suitability of these products, including product liquidity and pricing. Estate planning was a significant issue in each case, involving the use of grantor trusts, charitable remainder trusts and other estate planning vehicles.
- For an ultra-short mutual fund, provided opinions regarding the industry practice and regulatory framework for a mutual funds’ communications with the public, and the process by which communications with the public are created, reviewed, and approved.²⁷ Also, Mr. Lundelius analyzed risk-return characteristics of structured finance products in the portfolio and assessed liquidity and the impact of redemptions on net asset value (“NAV”).
- On behalf of a major fund administrator, analyzed the flow of transactional data for a master-feeder fund structure into and out of the NAV package (“NAV Pak”) provided to investment advisers. The analysis included assessment of NAV Pak data used to prepare financial statements for the funds under U.S. GAAP, including accounting for redemptions under *Financial Services – Investment Companies*, ASC 946-20-25, including reclassification from equity to redemptions payable.
- On behalf of a mutual fund president, filed an affidavit based on analysis of market timing transactions, disclosure of constraints on those transactions and the impact they had on fund operations. Analyzed fund Class A, B and C share issues, including impact on investment performance.
- On behalf of a major mutual fund sponsor and administrator, reviewed fee structure and operational controls, including NAV calculations and sales charges for the fund complex.
- On behalf of another mutual fund, consulted on NAV calculations relating to valuation and accounting issues.
- On behalf of UBS PaineWebber, testified at NASD arbitration regarding a novel concept of broker liability for allegedly recommending the wrong type of investment adviser for a wrap account, opining on classifications of investment styles used by fund managers. NASD panel found in favor of UBS.

²⁶ *In the Matter of WHX Corporation*, Initial Decision, October 6, 2000, available through the SEC’s web site at <http://www.sec.gov/litigation/aljdec/id173cff.htm>.

²⁷ *Securities and Exchange Commission v. Kimon P. Daifotis, et al.*, U.S. Dist., ND Ca., No. C 11-00137 WHA, Order Granting In Part and Denying In Part Motion to Exclude Expert Opinion of Charles R. Lundelius, June 7, 2012.

Internal Controls and Supervisory Procedures

- On behalf of the former COO of Countrywide Financial Corporation, analyzed the internal control structure at Countrywide, including specific audit, credit and loan loss committees at both the management and board levels, and assessed compliance with the COSO²⁸ *Internal Control - Integrated Framework* and Auditing Standards 2 and 5. In two separate expert reports, Mr. Lundelius analyzed the due diligence process for mortgage loan securitization at Countrywide, including extensive analysis of specific procedures performed, and tied those procedures to disclosures in offering materials. All reports assessed whether the COO could have reasonably relied upon corporate internal controls for the information received.
- On behalf of Hank Greenberg and Howie Smith relating to charges brought by the New York Attorney General, testified regarding internal controls and assessed compliance with the COSO *Internal Control - Integrated Framework* at American International Group relating to reinsurance treaties and consolidation of special purpose entities. The assessment included analysis of transfer of risk, the development of accounting guidance relating to special purpose entities (“SPEs”) from 1990 – 2002, and review of the organizational and reporting structure at AIG. In a separate defamation case brought by Hank Greenberg against Elliott Spitzer, analyzed the 2005 restatement of AIG financial statements from 2000 – 2004. Analysis included extensive review of audit work papers over the entire period, assessment of internal controls under Mr. Greenberg and by his successors, and evaluation of the propriety of each restatement item.
- On behalf of Jon Corzine and others, testified regarding internal controls at MF Global Holdings, Ltd., prior to bankruptcy. Testimony included analysis of the control environment under the COSO *Internal Control - Integrated Framework*, and the analytical work performed by independent accountants, CME Group,²⁹ the Federal Reserve,³⁰ and outside consultants. The analysis specifically looked at entity-level controls at the holding company level in detail to determine materiality of those controls to segregation of funds.
- On behalf of the SEC, testified in Administrative Hearing regarding COSO control environment, human resources and corporate governance standards relating to retention by a public company of a CFO who was subject to a bar by the Public Company Accounting Oversight Board. Administrative Law Judge Elliot cited extensively from Mr. Lundelius’ report³¹ and expert testimony in his Initial Decision, including Mr. Lundelius’ opinion on the materiality of effectiveness of Internal Control over Financial Reporting.³²

²⁸ “COSO” stands for Committee of Sponsoring Organizations of the Treadway Commission.

²⁹ CME Group Inc., the holding company and parent of the Chicago Mercantile Exchange and other exchanges, was the Designated Self-Regulatory Organization for MF Global, Inc., the futures commission merchant subsidiary of MF Global Holdings, Ltd.

³⁰ MF Global Holdings, Ltd., was a primary dealer for the New York Federal Reserve Bank.

³¹ Available at <https://www.sec.gov/litigation/apdocuments/3-16386-event-34.pdf>.

³² In the Matter of Traci J. Anderson, CPA, Timothy W. Carnahan, and Cyios Corporation, Initial decision, December 21, 2015, p.18, available at <https://www.sec.gov/alj/aljdec/2015/id930ce.pdf>.

- On behalf of a major California-based financial institution, analyzed the operations of a broker-dealer subsidiary of a bank holding company, including supervision of the processes used by registered representatives to assess investment suitability. Mr. Lundelius also analyzed the intersection of banking and broker-dealer regulations, particularly Federal Reserve Board Regulation R and FINRA regulations.
- On behalf of an individual customer, testified on supervisory procedures relating to registered representative/insurance salesman who misappropriated customer funds while cashing out various insurance policies, opining on the intersection of insurance and securities regulations relating to supervision.
- On behalf of a senior vice president of a regional broker/dealer, opined at NASD arbitration on turnover calculations used to determine churning of investor accounts.
- Testified for and consulted with investor/plaintiffs at NASD arbitration regarding stock trading manipulation scheme, broker/dealer compliance and supervisory procedures, and damages to investors, including ability to trade in a thin market and the value of shares sold into that market.
- Consulted with hedge funds and prime brokers regarding accounting policies, trading controls, personnel changes, risk management and due diligence procedures. Work in this field has included detection and assessment of inappropriate investment strategies (“style drift”) as well as establishing monitoring controls over short selling, margin accounts and risk exposure.

Real Estate Investment Trusts

- On behalf of a nine billion dollar hedge fund, constructed the accounting systems, procedures and policies for the initial public offering (“IPO”) of a Real Estate Investment Trust (“REIT”), including internal controls and valuation mechanisms.
- In a FINRA Department of Enforcement action, on behalf of a leading broker-dealer marketer of non-listed public REITs, analyzed the suitability of the REIT offerings, valuation of the REIT units transacted in tertiary markets and appropriate disclosures of REIT unit values and performance in customer account statements. Analysis included review of filings with FINRA Corporate Financing Department and analysis of communications with the public and reasonable basis suitability standards.
- On behalf of a former CFO of a publicly traded REIT, analyzed materiality of changes to non-GAAP metrics published by REITs and securities analysts, as well as materiality of US GAAP restatement changes made to financial statements subsequent to the CFO’s departure.

Hedge Funds and Private Equity

- Testified, on behalf of Lynn Tilton, in SEC Administrative Proceeding regarding a private equity fund structured as a Collateralized Loan Obligation. Testimony included discussion of private equity industry standards and valuation guidelines used to assess collateralized debt obligations, representing investments in distressed portfolio companies, for purposes of impairment and fair value. Analysis also included the procedures used for impairment and valuation by fund personnel and related internal controls, as well as due diligence procedures employed by investors. SEC Administrative Law Judge Foelak found that Mr. Lundelius had “extensive experience in public and forensic accounting” and qualified him as an expert in those fields. Judge Foelak ruled in favor of Ms. Tilton.³³
- Testified, on behalf of Yorkville Advisors, regarding the SEC’s alleged violations by the investment adviser of fair value accounting standards under US GAAP. Analysis included investor due diligence procedures, internal control standards, evaluated under COSO *Internal Control – Integrated Framework* standards, in place at the investment adviser, the scope of audit tests performed under US GAAS, and requirements under both *Statement of Financial Accounting Standards No. 157* and *Fair Value Measurements*, ASC 820-10-35. With regard to the latter, analysis also included application of US Private Equity Valuation Guidelines. Fifteen different investment positions were at issue, including investments in manufacturing, technology, oil and gas, and other industries. After the judge limited the testimony of the SEC’s valuation expert, the SEC moved to dismiss the complaint.
- With regard to the debt and equity structure of a hedge fund, reviewed financial reporting and internal accounting records to determine treatment of subordinated debt of Bermuda and Cayman feeder investors. Mr. Lundelius also assessed accounting for redemption requests, fund leverage, and materiality of financial statement disclosures, as well as the calculations of fees and profit sharing.
- Testified on behalf of Dutchess Capital Management and the private equity fund’s offshore Cayman Islands feeder relating to appropriateness of investments by the master fund in ten portfolio companies and the performance of those companies during the 2008 financial crisis. Analysis included investor due diligence and assessment of characteristics under ASC 915 - *Development Stage Entities* and PCAOB AS 2415 –*Consideration of an Entity’s Ability to Continue as a Going Concern*. Valuations were assessed under standards of the Private Equity Industry Guidelines Group and ASC 820 – *Fair Value Measurement*.
- On another private equity fund matter in which the SEC alleged inflated share prices created excess compensation for an investment manager, evaluated the impact of PIPE offerings and equity lines of credit on issuer stock price, Rule 144 considerations, and valuations of securities

³³ *In the Matter of Lynn Tilton, et al.*, Initial Decision, September 27, 2017, available through the SEC’s web site at <https://www.sec.gov/alj/aljdec/2017/id1182cff.pdf>.

issued. Analysis included assessment of illiquid markets on lines of credit and valuations, and investor due diligence. In a related matter, Mr. Lundelius testified on behalf of the private equity fund regarding appropriateness of investments in PIPEs and equity lines of credit.

- On behalf of a major hedge fund administrator, opined on the appropriate treatment of redemption requests under US GAAP at the master and feeder fund levels, in particular, *ASC 480 - Distinguishing Liabilities from Equity*. Mr. Lundelius assessed the role of a hedge fund administrator and its calculation of net asset values for fund investors.
- At an international arbitration, assessed fiduciary duties of GPS Partners, an investment adviser, to clients invested in proprietary hedge funds, including reporting and governance standards of Cayman Islands and Switzerland. Issues also included portfolio management, investor due diligence and suitability of recommendations.
- On behalf of a major business development corporation (a publicly traded private equity fund), assessed SEC claims of improper valuations of early stage portfolio companies. Analysis included assessment of bankruptcy probabilities, valuation models and financial disclosures, as well as fair value standards under US Private Equity Valuation Guidelines and US GAAP.
- On behalf of investors in private equity funds invested in special purpose entities registered in the British Virgin Islands, analyzed the investment presentations and due diligence standards for portfolios of life settlement contracts and other assets to assess breaches of fiduciary duties of the managing director and chief investment officer.
- On behalf of CIBC Oppenheimer, testified at NASD arbitration as to the impact actions taken by a hedge fund's prime broker had on portfolio performance, including analysis of margin calls and the effect of share dispositions in thinly traded markets, as well as damages calculations.

Securities Class Actions

- Investigated accounting issues related to the bankruptcy of Global Crossing on behalf of the Special Committee of the Board of Directors, specifically reviewing fair values and revenue recognition of asset exchanges, classification of operating vs. capital (or sales-type) leases, and impact on financial reporting and debt covenants.
- On behalf of a corporate defendant, analyzed the validity of management and analysts' forecasts and their impact on the value of stock prices for \$150 million securities fraud class action suit, including analysis of accounting and sales data, revenue recognition issues, and determining when management became aware of certain information. Due to findings on accounting issues, Judge Hilton (E.D. Va.) dismissed all accounting claims prior to trial and found for defendants immediately after plaintiffs presented their case.

Valuation and Investment Banking Expertise

As to valuation, due diligence and investment banking, Mr. Lundelius has:

Securities Valuations

- Testified, on behalf of Lynn Tilton, in SEC Administrative Proceeding regarding a private equity fund structured as a Collateralized Loan Obligation. Testimony included discussion of private equity industry standards and valuation guidelines used to assess collateralized debt obligations, representing investments in distressed portfolio companies, for purposes of impairment under *ASC 310 – Receivables and ASC 326 Financial Instruments – Credit Losses* and fair value under *ASC 820 – Fair Value Measurement*. Testimony also included discussion of the development of impairment and fair value standards over time, as well as the link between private equity valuation guidelines and fair value under US GAAP.
- In a separate matter on behalf of Lynn Tilton, calculated out-of-pocket damages related to alleged fraudulent misrepresentations by MBIA Inc. and MBIA Insurance Corp. Engagement included collateral valuations and waterfall analysis at liquidation under various scenarios, as well as disclosures made by MBIA in SEC and statutory filings. Mr. Lundelius also analyzed the ability of Patriarch to liquidate collateral portfolio companies and related timing and amount of dispositions.
- On behalf of the SEC, assisted in the investigation of alleged use of odd-lot non-agency mortgage-backed securities (“MBS”) by a major fixed income fund manager to increase returns on the its total Return Exchange-Traded Fund. Analysis included the determination of odd-lot exit prices under *ASC 820 – Fair Value Measurement*, compared to values of round lots, using Level 2 inputs from thinly traded markets.
- With regard to a hedge fund investing in small capitalization stocks, assessed market liquidity of convertible securities, including assessment of investment banking functions performed by affiliates of the hedge fund manager. Mr. Lundelius also opined on valuations of securities and determined whether markets for those securities were active in accordance with *ASC 820 - Fair Value Measurement*.
- Consulted with publicly traded and privately held institutional investors on valuation of and accounting for auction-rate securities, mortgage-backed securities, credit default swaps and other alternative investment products, including analysis of market liquidity and impact of that liquidity on fair value under IFRS,³⁴ US GAAP and insurance Statutory Accounting Principles.³⁵ Drawing upon federal district court decisions, including those cases in which Mr. Lundelius

³⁴ “IFRS” are the International Financial Reporting Standards promulgated by the International Accounting Standards Board.

³⁵ Statutory Accounting Principles (“SAP”) are the primary authoritative statutory accounting practices and procedures promulgated by the National Association of Insurance Commissioners in the United States.

testified, Mr. Lundelius was able to establish whether the markets were active and allowed for orderly transactions.

- On behalf of a US investment adviser affiliate of a major European insurance carrier, evaluated accounting for investments and management stock options under *IAS 39 – Financial Instruments: Recognition and Measurement*, *IAS 40 – Investment Property*, and *IFRS 2 – Share Based Payment*. Analysis included valuation of the investment adviser and related stock options.
- On behalf of two major European insurance carriers, evaluated investment classifications under *IAS 32 – Financial Instruments Presentation*, *IAS 39 – Financial Instruments: Recognition and Measurement*, *IAS 40 – Investment Property*, and *IFRS 7 – Financial Instruments: Disclosures*. Additionally, Mr. Lundelius analyzed insurance risks under *IFRS 4 – Insurance Contracts* for reinsurance contracts and ceding agreements.
- On behalf of a major European financial institution, evaluated claims by the SEC regarding timely reporting of goodwill impairment under *IAS 36 - Impairment of Assets*. Analysis involved assessment of allocation of goodwill to cash generating units and the fair value of those units. Other issues involved application of *IFRS 3 – Business Combinations*, *IFRS 5 – Non-current Assets Held for Sale and Discontinued Operations*, *IFRS 8 – Operating Segments*, and *IAS 39 – Financial Instruments: Recognition and Measurement*.
- On behalf of Hank Greenberg and Howie Smith relating to charges brought by the New York Attorney General, valued the investment made by an affiliate of American International Group in a special purpose entity. Analysis included assessment of loss development for the book of business ceded to the SPE as well as application of accounting rules for other than temporary impairment in accordance with *ASC 320-10-35 - Investments – Debt and Equity Securities*. In a separate defamation case brought by Hank Greenberg against Elliott Spitzer, analyzed the 2005 restatement of AIG financial statements from 2000 – 2004. Analysis included extensive review of audit work papers over the entire period, assessment of accounting positions taken by AIG management under Mr. Greenberg and by his successors relating to derivatives, covered calls, dollar roll transactions, hedge funds, foreign exchange and other issues, and evaluation of the propriety of each restatement item.
- Testified at FINRA hearing on damages relating to raiding of the high-yield securities trading unit of Gleacher, a publicly traded broker-dealer, including determination of value of the entire unit and value of registered representatives and other personnel using both market comparables and discounted cash flow methodologies. The FINRA Panel awarded damages to Gleacher of \$17.8 million.
- Valued multi-office broker-dealers and individual branch offices of AG Edwards and Advest regarding alleged raiding of registered representatives. Valuation included alleged loss of

investment advisory clients and confidential information resulting from alleged interference in broker employment agreements.

- Valued and testified regarding multiple-representative day-trading operations within E*Trade in NASD arbitration. In a separate matter, valued a day-trading unit within E*Trade relating to alleged improper contract termination. Valuation also addressed alleged loss of reputation due to the contract termination.
- Valued investment advisory unit of regional broker-dealer in alleged client theft matter. Assets valued included alleged loss of client lists, trade secrets and other confidential information resulting from alleged interference by investment managers that organized the departure of key investment advisory personnel.
- Analyzed and valued electronic bond trading systems for antitrust claim, including the role of institutional investors, dealers and brokers in the trading of fixed income investments.

Securities Due Diligence

- On behalf of an individual investor, investigated the failure of a registered investment adviser to perform adequate due diligence relating to investments in a Ponzi scheme, including failure to register as a broker-dealer and failure to report payments from Ponzi scheme promoters.
- Consulted with hedge funds of funds regarding due diligence procedures for prospective fund managers.
- On behalf of CIBC Oppenheimer, testified at NASD arbitration on investment due diligence procedures utilized to screen and monitor hedge funds, including development of relevant NASD standards and analysis of files, personnel testimony, emails and memoranda.
- Testified in Florida State Court on investment due diligence procedures and findings relating to capital financing of a property and casualty insurance carrier, including statutory accounting financial forecasts, surplus deficiencies and regulatory constraints. Mr. Lundelius was qualified as an expert in insurance company financing and acquisition due diligence.
- As an investment banker, structured underwritings of securities offerings for Blockbuster and Precision Tune franchises, including development of accounting and cash flow forecasts, review of franchise agreements and assessments of markets to value financial interests sold to investors.
- As basis for other investment banking underwritings, valued numerous businesses and business units in the following fields: biotechnology and medical diagnostics, real estate, oil & gas, environmental remediation, wholesale and retail distribution of consumer products, office and industrial construction, automotive and motorcycle dealerships, and service firms.

Investment vehicles utilized included public offerings, private placements and master limited partnerships.

- Performed due diligence investigations of direct investment programs involving real estate, oil & gas, food processing, biotechnology and medical diagnostics for a major wirehouse and other broker/dealer clients and valued restricted stock and illiquid debt and equity investments related to those programs.

Other Due Diligence and Valuation Matters

- Testified in Florida state court as an expert in post-acquisition disputes regarding alleged fraud in financial reporting of the purchase of a manufacturing division by a Tier One automotive manufacturer and supplier. Analysis involved extensive investigation of accounting reserves (*ASC 450 – Contingencies*) for acquisitions made by the seller to allegedly hide losses as well as quantification of damages due to alleged underperformance hidden by fraudulent accounting.
- Testified at arbitration regarding accounting treatment (under ASC 840) of thousands of leases transferred in a Reverse Morris Trust business combination. Work involved assessment of lease quantities under various scenarios. In addition, consulted on enterprise value calculations made by the parties during the merger process.
- Regarding a separate Reverse Morris Trust business combination, evaluated the revenue recognition of customer advances and progress payments for government contractors. Analysis included tax reporting under *Rev. Proc. 2004-34, Changes in accounting periods and in methods of accounting*³⁶ as well as financial reporting under *ASC 912 - Contractors – Federal Government*.
- Testified in federal district court as damages expert in copyright infringement suit against publisher on issues involving marketing of copyright matter, direct mail advertising, and profitability.
- Testified in federal bankruptcy proceeding regarding the allocation of purchase price to intellectual property and goodwill for assets sold by debtor, a software developer of supply chain management systems.
- On behalf of a municipality, analyzed damages from alleged government interference in debt collection efforts by a major operator of health and fitness centers. On behalf of a major fitness celebrity, determined damages due to alleged breach of contract by a national chain of diet centers.

³⁶ Revenue Procedures are issued by the U.S. Dept. of the Treasury Internal Revenue Service to provide guidance in the implementation of income tax regulations.

- On behalf of a student loan origination firm, calculated damages due to alleged servicing failures, including debt collection operations. On behalf of a regional bank, assessed damages due to alleged servicing failures on multiple consumer loan portfolios. For both engagements, portfolios of student and consumer loans aggregated to more than \$800,000,000. In a separate matter, after the collapse of a student loan originator, analyzed liability and damages relating to securitizations with over \$400,000,000 of loan pools.
- On behalf of a regional bank, assessed dealer reserve chargebacks due to loan chargeoffs for a mortgage loan originator. Work involved evaluating minimum reserves required and performance of loans assigned to the bank.
- On behalf of Resolution Trust Corporation, documented fraudulent lending within real estate mortgage portfolio of failed thrift, analyzing failures to follow lending policies and procedures.
- On behalf of major sports stadium association, performed due diligence and valuation of multiple hotel properties, including franchises and luxury properties.
- Valued biotechnology patent utilizing offers in restricted stock from various early-stage biotechnology firms.
- Applied Capital Asset Pricing Model to intellectual property litigation for a \$60 million polyethylene process patent claim asserted by one Fortune 50 company against two other Fortune 50 companies, including regression analyses of intermediate product values, and determined the basis for an antitrust counterclaim.
- Valued semiconductor technology, including forecasts of product development life cycles and performed R&D cost analyses for patent infringement claim by a European information technology firm against a supplier to major automotive manufacturers.
- Served as expert witness on behalf of a software development firm to assess damages, determine counterclaim under software licensing agreement and value software in suit filed by a nationwide provider of multiple listing services to real estate agents.
- Testified in federal district court on behalf of multinational food processing and distribution firm regarding damages resulting from alleged breach of exclusive territory agreement with distributor.

Insurance Expertise

When numerous investigations by US and foreign regulators focused on finite reinsurance treaties, bid rigging and other insurance issues, Mr. Lundelius was called upon to assist in the analysis of auditing issues, risk transfer, and internal controls. In the course of serving on several investigations, both in the US and in Europe, Mr. Lundelius has reviewed hundreds of reinsurance treaties in both the

property and casualty and life and health segments covering workers' compensation, life, casualty and other risks worldwide.

Among his specific engagements, Mr. Lundelius:

- On behalf of Hank Greenberg and Howie Smith relating to charges brought by the New York Attorney General, testified regarding internal controls and assessed compliance with the COSO *Internal Control - Integrated Framework* at American International Group ("AIG") relating to reinsurance treaties and consolidation of special purpose entities. The assessment included analysis of transfer of risk, including *ASC 450 – Contingencies* and *ASC 944-20-05 - Reinsurance* and *SSAP 62R - Property and Casualty Reinsurance*.³⁷ Analysis also included review of loss development and disclosures in AIG affiliate property and casualty statutory filings, especially Schedule P. In a separate defamation case brought by Hank Greenberg against Elliott Spitzer, analyzed the 2005 restatement of AIG financial statements from 2000 – 2004. Analysis included extensive review of audit work papers over the entire period, assessment of risk transfer and other accounting positions taken by AIG management under Mr. Greenberg and by his successors, and evaluation of the propriety of each restatement item.
- On behalf of Companion Property and Casualty Insurance Company, an affiliate of Blue Cross-Blue Shield, testified regarding the operation and due diligence of fronting carriers, including reinsurance and reserve credit trusts. Analysis also included valuation requirements of the trusts and standards required under *ASC 820 – Fair Value Measurement* and *SSAP 100 - Fair Value Measurements*.
- On behalf of a major, publicly traded European insurance carrier, analyzed the claims made by an internal audit whistleblower relating to hedging and segregation of duties. Analysis included assessment of macro-hedging strategy and internal control requirements under the COSO *Internal Control - Integrated Framework* and Auditing Standard 5. In addition, Mr. Lundelius reviewed actuarial analyses, financial statements prepared under US GAAP and IFRS, and filings with US Department of Labor and the UK Prudential Regulatory Authority.
- On behalf of Lynn Tilton, analyzed the statutory filings of MBIA Insurance Corp., a monoline bond insurance carrier, and the SEC filings of its parent, MBIA, Inc.
- On behalf of a major California-based financial institution, analyzed the operations of a broker-dealer subsidiary with regard to sale of Structured Investment Vehicle (SIV-lite) Asset Backed Commercial Paper to an insurance company. With regard to suitability, analysis included evaluation of California Insurance Code restrictions on investments and requirements for investment approval, as well as assessment of Risk-Based Capital and other insurance reporting issues.

³⁷ An "SSAP" is a Statement of Statutory Accounting Principles for insurance companies domiciled or licensed in the United States.

- On behalf of a regional financial institution, testified, in Florida State Court, on investment due diligence procedures and findings relating to capital financing of a property and casualty insurance carrier that the Florida Department of Insurance claimed could have been rehabilitated. Mr. Lundelius reviewed statutory accounting financial forecasts, underwriting practices, forecast surplus deficiencies and assessed regulatory constraints. Mr. Lundelius was qualified as an expert in insurance company financing and acquisition due diligence.
- On behalf of a regional accounting firm, testified, in Texas State Court, regarding auditing and accounting issues relating to a workers' compensation carrier that the Oklahoma Insurance Department claimed was insolvent. Mr. Lundelius analyzed audit work papers and programs, underwriting and case reserve practices, reinsurance and regulatory examinations. Mr. Lundelius was qualified as an expert in auditing and forensic accounting, and his testimony also covered damages as a result of deepening insolvency involving valuation of the carrier on various dates.
- Consulted with a major health insurance company licensed in all US jurisdictions regarding prompt-pay requirements under workers' compensation statutes, including detailed analysis of underwriting, claims operations and reserves. Analyses also covered financial reporting and disclosures in SEC filings and discussions with insurance regulators.
- Was retained as an expert in reinsurance and solvency issues related to the collapse of Reliance Insurance, a major workers' compensation property and casualty carrier that was the subject of a criminal investigation. As part of his work, Mr. Lundelius analyzed statutory and US GAAP financial statements and assessed issues related to auditing, internal controls, accounting for reinsurance treaties and deposits, including *ASC 944-20-05 - Reinsurance* and *SSAP 62R - Property and Casualty Reinsurance*, and analyzed changes to risk based capital.
- Has consulted on the structuring of finite reinsurance contracts and has been engaged by major US and European carriers to assess finite reinsurance arrangements, related to various SEC and regulatory investigations, involving US GAAP and Statutory Accounting Principles, foreign GAAP (Bermuda, France, Ireland, UK and Switzerland) and International Financial Reporting Standards. His work has included conducting internal investigations of treaty negotiations with insurance brokers and counterparties, risk transfer analyses among captives and affiliates, and assessment of auditing and accounting practices and associated internal controls, including *SSAP 61 - Life, Deposit-Type and Accident and Health Reinsurance* and *SSAP 62R - Property and Casualty Reinsurance*, as well as *ASC 944-20-05 -Reinsurance* and *IFRS 4 - Insurance Contracts*.
- Advised on restructuring of bank credit facilities for major reinsurer and its offshore special purpose reserve credit trusts for Regulation XXX, including review of *ASC 825 - Financial Instruments* and *SSAP 27 - Disclosure of Information about Financial Instruments* disclosures.

Analysis involved assessment of subprime and other illiquid instruments and determination of market values under both GAAP and Statutory Accounting Principles.

- Advised on strategic decisions relating to runoff for a \$13 billion life and health reinsurer, including assessment of regulatory restrictions imposed by US, Bermudan, Irish, British and Cayman regulators, liquidity and cash flow forecasting, and US risk-based capital requirements and related capital requirements in foreign jurisdictions. The engagement also involved extensive analysis of special purpose vehicles, including *ASC 810-10 - Consolidation – Variable Interest Entities* and *ASC 860 - Transfers and Servicing* issues, as well as *ASC 825 - Financial Instruments* and related *SSAP 27 - Disclosure of Information about Financial Instruments*.
- With regard to life settlement acquisitions by a major insurance carrier from an industry leading originator, evaluated transfer of risk with regard to Lender Protection Insurance Coverage (“LPIC”) related to premium financing. The evaluation included analysis of LPIC claims history, *ASC 450 – Contingencies*, and related salvage and subrogation issues.
- On behalf of Fifth Third Bank, testified regarding the obligations of a private equity investment adviser when recommending investment in a premium finance lender for life settlements. Testimony included assessment of impact of alleged structural flaws in life settlement underwriting. Analysis also included evaluation of required rates of return for life settlement investors.
- On behalf of a major property and casualty insurance carrier’s US operations, consulted on bid rigging and market conduct investigations by numerous state insurance commissions.
- On behalf of Charles Schwab & Co., testified at FINRA arbitration regarding the appropriate governance structure and board fiduciary duties with respect to investment selection and monitoring by a property and casualty insurance carrier. Analysis included assessment of interaction between the NAIC Model Investment Act and company-specific controls over investing, role of the NAIC SVO³⁸ in accordance with the Purposes and Procedures Manual of the NAIC Investment Analysis Office, permissible investments and investment disclosures on Schedule D of NAIC filings, and impact of investing on profitability and surplus.
- On behalf of several carriers, testified regarding the operations of the broker-dealer distributor within a major fund complex relating to a professional liability insurance claim. Testimony included analysis of investment and brokerage industry terms and practices relating to delayed transactions.
- With regard to sales of insurance products to wealthy families, determined suitability relative to alternative investments.

³⁸ “NAIC SVO” is the Securities Valuation Office of the National Association of Securities Commissioners in the United States.

- On behalf of major health insurer, consulted on unlocking of *ASC 944-20 - Insurance Activities* reserves, including discussions with SEC staff in the Office of Chief Accountant, and advised on *ASC 825 - Financial Instruments* and *SSAP 27 - Disclosure of Information about Financial Instruments* issues.
- On behalf of a major health insurance carrier, analyzed classifications and disclosures of investments under *SSAP 27 - Disclosure of Information about Financial Instruments* and directed negotiations with NAIC SVO on re-classification of securities.
- Has conducted internal investigations of corporate officers relating to existence of reinsurance side agreements, documentation of risk transfer analyses, and violations of auditing standards and internal controls.

Previously, Mr. Lundelius served as CFO of a life and health insurance carrier that reinsured books of business placed with major insurance companies. As CFO, the scope of duties Mr. Lundelius performed included the following:

- Valuation of books of business and insurance company operating units for purposes of financial reporting and capital acquisition.
- Negotiation of reinsurance treaties and surplus debenture financing.
- Management of variable life and annuity investment products through captive sales force.
- Development of integrated financial and regulatory forecasting systems, including re-scoping of general ledger and chart of accounts.
- Management of and financial reporting for government bond investment portfolio.
- Participation in the NAIC pilot study for implementation of risk-based capital adequacy standards.
- Implementation of product line profitability reporting systems.
- Design of hierarchical agent commission and debit advance systems.
- Discussions with auditors and SEC regarding applications of GAAP, including *ASC 450 – Contingencies*, *ASC 944-20 - Insurance Activities*, especially *ASC 944-20-05 - Long Duration Contracts and Reinsurance*.
- Managing the audit process, internal audit and auditor inquiries.
- Translation of actuarial data and projections into financial and regulatory formats.
- Interaction with regulators, investment bankers and commercial lenders.
- Financial management of underwriting and claims functions.

Publications and Selected Speeches

- “Hedge Fund Innovation and Regulatory Enforcement”, presentation before faculty and students at the Freeman School of Business, Tulane University, October 23, 2017.
- “SEC’s Non-GAAP Guidance Should Be Withdrawn”, *CFO.com*, May 18, 2017.
- Panelist, *Key Issues Facing Boards of Directors: New SEC Enforcement Initiatives and Corporate Governance Risks*, April 5, 2017.
- “SEC’s Expanded Use of Administrative Proceedings: How an Expert Can Help”, *Westlaw Journal Derivatives*, Vol. 20, Issue 15, June 20, 2014.
- Panelist, *IFRS Conference* sponsored by the New York State Society of Certified Public Accountants Foundation for Accounting Education, Inc., October 22, 2013.
- Panelist, *Expert Witnesses: Dos and Don’ts of Complex Securities Enforcement Cases*, Berkeley Research Group seminar, October, 31 2013.
- “SEC Guidance on Reg FD for Social Media Communication”, *Corporate Compliance Insights*, May 29, 2013, co-authored with Karina Bjelland.
- Speaker, Hedge Fund Regulation Conference, London, United Kingdom, November 22, 2010.
- “Hedge Fund Disclosure: The Best Defense for an Industry Under Siege”, by Adam Cohen with contribution from Charles Lundelius, *FTI Journal*, Spring 2010, Issue 2.
- “Keeping Track of Funds To Avoid Getting Sued and Other Nasty Things”, presentation at the Treasurers Workshop sponsored by the Episcopal Diocese of Washington, December, 2008.
- “Insurers Face Repercussions of New Accounting Options”, *National Underwriter Property & Casualty*, December 10, 2007, co-authored with Mark Radke and John Pruitt of Dewey & LeBoeuf, LLP.
- Presentation and panel discussion at the International Reinsurance Summit, Bermuda, June 8, 2007, on reinsurance investigations and auditing procedures involving side agreements and other issues.
- “Risk Analyses Unique to Emerging Markets,” *Financier Worldwide*, March, 2007.
- “Reinsurance Accounting Issues,” Presentation for Practising Law Institute *Reinsurance Law and Practice* seminar, October 7, 2005.
- “Where to find fraud in closely held companies”, *The Practicing CPA*, November 2003 [adaptation of Chapter 5 of *Financial Reporting Fraud: A Practical Guide to Detection and Internal Control*].
- “Disclosing Guesswork,” *The National Law Journal*, September 8, 2003.

- “Balance sheet becomes breeding ground for fraud”, Journal of Accountancy, May 2003 [adaptation of Chapter 4 of *Financial Reporting Fraud: A Practical Guide to Detection and Internal Control*].
- *Financial Reporting Fraud: A Practical Guide to Detection and Internal Control*, a book published by the American Institute of Certified Public Accountants, first edition 2003, second edition 2010.
- “Risk Management and the Audit Committee,” (co-author) *The Corporate Board*, September/October 2002
- Before the American Institute of CPAs’ National Conference on Fraud:
October 31, 2002 - “CPA’s Role in Securities Litigation”
October 2, 2003 - “Forensic Accounting Case Studies”
- “Reducing the Risk of Financial Statement Fraud,” Chapter 10 of *The CPA’s Handbook of Fraud and Commercial Crime Prevention*, American Institute of Certified Public Accountants, March 2001.
- Presentation on financial reporting issues at the Eastern Region Fraud Conference, November 3, 2000.
- “Role of Forensic Accounting in Securities Class Action Law Suits,” presentation at the New York office of Fried, Frank, Harris, Shriver & Jacobson, January 25, 2000.
- “Post Reform Act Standards for Pleading and Proving Scienter,” seminar sponsored by Deloitte & Touche LLP and Kirkpatrick & Lockhart LLP, October 19, 1999.
- “How Much Is A Stock Worth?” article in *Hearsay* (published by Deloitte & Touche LLP), May 1999.
- “Beyond SAS 82: International Issues in Fraud & Forensic Accounting,” before the faculty and students of the University of Virginia McIntire School of Commerce, October 21, 1998.

Certifications

Certified Public Accountant since 1982

Accredited in Business Valuation since 2002

Certified in Financial Forensics since 2008

AICPA IFRS Certificate Program - 2015

COSO Internal Control Certificate Program - 2016

Professional Affiliations

American Institute of Certified Public Accountants since 1983

Beta Alpha Psi Honorary Accounting Fraternity - 1978

Beta Gamma Sigma Honorary Business Fraternity - 1980

Education

M.B.A. with a concentration in Finance, Tulane University, 1980

B.S. in Commerce with a major in Accounting, University of Virginia, 1978

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<i>Year</i>	<i>Case</i>	<i>Court/ Agency</i>	<i>Case or Docket No.</i>	<i>Party Represented</i>	<i>Deposition</i>	<i>Trial/ Hearing</i>
2019	United States of America v. David Middendorf, <i>et al.</i>	U.S. Dist. Ct., S.D. New York	18 CRIM 036	Defendant		1
2019	DXC Technology Company v. Hewlett Packard Enterprise Company	International Institute for Conflict Prevention & Resolution		Defendant	1	1
2018	Norddeutsche Landesbank Girozentrale and Hannover Funding Company, LLC v. Lynn Tilton, Patriarch Partners, LLC, <i>et al.</i>	Supreme Court of the State of New York – New York County	651695/2015	Defendants	1	
2018	Christopher and Lori Davis v. Wells Fargo Advisers, LLC; Wells Fargo Bank, N.A.; Wells Fargo & Company	American Arbitration Association	01-14-0001-6223	Respondents		1
2017	Lynn Tilton and Patriarch Partners XV, LLC, v. MBIA, Inc. and MBIA Insurance Corporation	Supreme Court of the State of New York – Westchester County	68880/2015	Plaintiffs	1	
2017	Companion Property and Casualty Insurance Company v. U.S. Bank National Association	U.S. Dist. Ct., South Carolina	3:15-1300-JMC	Plaintiffs	1	
2017	Securities and Exchange Commission v. Yorkville Advisors, LLC, <i>et al.</i>	U.S. Dist. Ct., S.D. New York	12 CIV 7728	Defendants	2	
2017	Nina Investments, LLC, v. Fifth Third Bank, <i>et al.</i>	Circuit Court of Cook County, Illinois	2012 L 007547	Defendants	1	
2016	In the Matter of Lynn Tilton; Patriarch Partners, LLC; <i>et al.</i>	United States Securities and Exchange Commission	3-16462	Respondents		1
2016	TIAA-CREF Individual & Institutional Services, Inc., <i>et al.</i> v. Illinois National Insurance Company, <i>et al.</i>	Delaware Superior Court (New Castle)	N14C-050178- JRJ(CCLD)	Defendants	1	
2016	Cannonball Fund, Ltd., <i>et al.</i> , v. Dutchess Capital Management, LLC, <i>et al.</i>	Commonwealth of Massachusetts	Civil Action No. 11- 2307	Defendants	1	
2016	International Fidelity Insurance Company v. Charles Schwab & Co., Inc.	Financial Industry Regulatory Authority	14-02620	Respondents		1
2015	In re MF Global Holdings, Ltd., Investment Litigation	U.S. Dist. Ct., S.D. New York	1:11-cv-07866	Defendants	1	
2015	In the Matter of Cyios Corporation, <i>et al.</i>	United States Securities	3-16386	SEC Division		1

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		and Exchange Commission		of Enforcement		
2015	Gleacher & Company Securities, Inc. v. Robert W. Baird & Co. Incorporated, <i>et al.</i>	Financial Industry Regulatory Authority	13-00608	Claimants		2
2014	[Individual] v. Jackson National Life Insurance Co. and Prudential, PLC.	U.S. Dept. of Labor	2013-SOX-00047	Respondents		1
2014	The People of the State of New York v. Maurice R. Greenberg and Howard I. Smith	Supreme Court of the State of New York – New York County	401720/05	Defendants	1	
2014	Massachusetts Mutual Life Insurance Company v. Countrywide Financial Corporation, <i>et al.</i>	U.S. Dist. Ct., Massachusetts	11-cv-10414-MRP	Respondents	1	
2014	Hillcrest Children’s Center, <i>et al.</i> v. Charles Schwab & Co., Inc.	Financial Industry Regulatory Authority	13-00664	Respondents		1
2014	Acument Global Technologies, Inc., <i>et al.</i> v. Towers Watson & Co., <i>et al.</i>	U.S. Dist. Ct., S.D. New York	1:12-cv-00506-LLS	Plaintiffs	1	
2014	Pasha Anwar, <i>et al.</i> v. Fairfield Greenwich Limited, <i>et al.</i>	U.S. Dist. Ct., S.D. New York	09-cv-118	Defendants	1	
2013	Pine Street Associates, L.P. v. Southridge Partners, L.P., Southridge Capital Management, LLC, and Southridge Advisors, LLC	Supreme Court of the State of New York, County of New York	652109/2010	Respondents	1	
2013	Eastham Capital Appreciation Fund LP, et al., v. KPMG LLP	International Institute for Conflict Prevention & Resolution		Respondents		1
2013	Texas A&M Foundation v. Strategic Investment Management, L.P. and Strategic Investment Partners, Inc.	American Arbitration Association	16 148 Y 00396 10	Claimants		1
2013	Anders and Elizabeth Hejlsberg, derivatively on behalf of Cornerstone Alternative Fixed Income Fund, L.P., as a Limited Partner, v. Cornerstone Portfolio GP, LLC, Keith J. Schafer, Robert Trenner, Kenneth Hart and Cornerstone Advisors, Inc.	American Arbitration Association	75-512-Y-000062-12 JMLE	Claimants	1	
2012	Securities and Exchange Commission v. Southridge Capital Management LLC, Southridge Advisors LLC, and Stephen M. Hicks	U.S. Dist. Ct., Connecticut	3:10-cv-01685	Defendants	1	
2012	Securities and Exchange Commission v. Kimon P. Daifotis and Randall Merk	U.S. Dist. Ct., N.D. California	CV-11-cv-137	Defendants	1	

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2012	State Compensation Insurance Fund v. Metropolitan West Securities LLC; Wachovia Bank, N.A.; <i>et al.</i>	U.S. Dist. Ct., N.D. California	CV 09 2959 JSW (EDL)	Defendants	1	
2011	Securities and Exchange Commission v. Lisa C. Berry	U.S. Dist. Ct., N.D. California	C-07-04431 RMW	Defendant	1	
2011	Securities and Exchange Commission v. R. Brooke Dunn and Nicholas P. Howey	U.S. Dist. Ct., Nevada	2:09-CV-02213-PMP-LRL	Defendant	1	
2011	Securities and Exchange Commission v. Reserve Management Company, Inc., Resrv Partners, Inc., Bruce R. Bent, Sr. and Bruce R. Bent II	U.S. Dist. Ct., S.D. New York	09 Civ. 4346 (PGG)	Defendants	1	
2011	Hampton Investments, Ltd.; Oakdale Investments, Ltd.; Seacliff Investments, Ltd.; and Stephen Finlay v. GPS Partners, LLC; GPS New Equity Fund (Cayman), Ltd.; and GPS Income Fund (Cayman), Ltd.	American Arbitration Association	50512 T 00097 10	Defendants		1
2010	Elliot Horowitz v. Gardner Lewis Asset Management	California Superior Court for the County of Los Angeles	BC406551	Defendants	1	1
2009 - 10	Securities and Exchange Commission v. Carl W. Jasper	U.S. Dist. Ct., N.D. California	CV 07-6122	Defendant	1	1
2008	Charles O. Bradley Trust, et al., v. Zenith Capital, LLC, <i>et al.</i>	U.S. Dist. Ct., N.D. California	C 04 2239 JSW (EMC)	Plaintiffs	1	
2008	Kim Holland, Insurance Commissioner of the State of Oklahoma, as Receiver of Petrosurance Casualty Company, v. Murrell, Hall, McIntosh & Co., PLLP, <i>et al.</i>	District Court – 44 th Judicial District, Dallas County, Texas	04-01687-B	Defendants	3	1
2006	Steven Maass v. E*Trade Professional Trading, LLC, <i>et al.</i>	Financial Industry Regulatory Authority	03-01763	Respondents		1
2006 - 8	Securities and Exchange Commission v. Competitive Technologies, Inc., <i>et al.</i>	U.S. Dist. Ct., Connecticut	3:04-cv-1331-JCH	Defendants	1	2
2005 - 6	The Osage Nation and/or Tribe of Indians of Oklahoma v. The United States of America	Federal Claims Ct.	99-550 & 00-169 L	Defendant	1	1
2005 - 6	Breed Technologies, Inc. v. AlliedSignal, Inc.	FL Cir. Ct., 10 th Dist.	G-99-2478	Plaintiff	3	2
2005	In re: Galaxy Computer Services, Inc.	U.S. Dist. Ct., E.D. Va.	CA 1:2004CV1036	Plaintiff		1
2005	National Association of Securities Dealers Department of Enforcement v. Invemed Associates, LLC	Financial Industry Regulatory Authority	Disciplinary Proceeding No. 030014	Respondent		1

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2005	Jo Ann Oster, et al. v. CIBC World Markets Corp., <i>et al.</i>	Financial Industry Regulatory Authority	03-07585	Respondents		1
2004	National Rural Electric Cooperative Association, et al. v. Breen Capital Services Corporation, <i>et al.</i>	U.S. Dist. Ct., New Jersey	2:00cv00722	Plaintiffs	1	
2004	United States of America v. Nathan A. Chapman, Jr.	U.S. Dist. Ct., Maryland	WDQ-03-0301	Defendant		1
2004	Securities and Exchange Commission v. David Gane, <i>et al.</i>	U.S. Dist. Ct., S.D. Florida	03-61553-CIV-Seitz/Bandstra	Defendants	1	1
2004	Mountain States Mutual Casualty Company v. UBS PaineWebber, Inc.	Financial Industry Regulatory Authority	02-05813	Respondent		1
2003	Hermann Holdings, Ltd., et al. v. Lucent Technologies Inc.	U.S. Dist. Ct., N.D. Texas	3:01-CV-0625-G	Defendant	1	
2003	In re: The Receivership of Dealers Insurance Company	Second Judicial Circuit Court, Leon County, Fl.	94-4009-A	Defendant	1	1
2002	In re: SpaceWorks, Inc.	U.S. Bankruptcy Court, Md.	01-17875-PM	Unsecured Creditors	1	1
2001	InterVest Financial Services, Inc. v. Bear Stearns Co., Inc., <i>et al.</i>	U.S. Dist. Ct., E.D. Pa.	99-CV-5463	Defendants	1	
2001	Carabetta v. Novadigm, Inc., <i>et al.</i>	American Arbitration Association	74 160 01455 00 AD1	Plaintiff	1	1
2000	Bennett v. Wheat First Union, <i>et al.</i>	Financial Industry Regulatory Authority	99-02219	Claimant		1
1999	Helman v. Mendelson, <i>et al.</i>	Circuit Court of Maryland for Montgomery County	CA 195927 cons 195925	Plaintiff	1	
1999	In the Matter of WHX Corporation	United States Securities and Exchange Commission	3-9634	Respondent		1
1999	American Federal Savings Bank v. Harry L. Leavy	Circuit Court of Maryland for Montgomery County	167641-V	Plaintiff		1
1998	Berliner Specialty Distributors v. Conopco a/k/a Good Humor-Breyers Ice Cream	U.S. Dist. Ct., E.D. Va.	98-143-A	Defendant	1	1

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1998	Associated Financial Group v. Chevy Chase Bank	U.S. Dist. Ct., E.D. Va.	2:97 CV 985	Defendant	1	
1997	White v. Cahoon and Anchor National, <i>et al.</i>	U.S. Dist. Ct., N.D. Miss.	4:95 CV 374-B-B	Plaintiff	1	
1997	Powter v. Nutri/System L.P. <i>et al.</i>	U.S. Bkcty. Ct., C.D. Cal.	LA 95-10009-SB	Plaintiff	1	
1997	Weiner, <i>et al.</i> v. Dickinson & Co., <i>et al.</i>	Financial Industry Regulatory Authority	95-04047	Claimants		1
1996	Robinson v. R&R Publishing, Inc.	U.S. Dist. Ct., D.C.	95-CA-00833	Plaintiff/ Cross-Defendant		1
1996	Frank W. Griswold, III, <i>et al.</i> v. The United States of America	U.S. Dist. Ct., M.D. Fla.	93-565-CIV-T-23A	Defendant	1	
1995-1996	In the Matter of Lend Lease Trucks, Inc.	Pennsylvania Department of Revenue and Board of Finance and Revenue	421919 MCRT	Petitioner	1	1
1995	Simos v. Metzger Construction Co. and Sub-Zero Freezer Co.	125 th Judicial Dist. Ct. of Harris Co., Tex.	91-016216	Plaintiff		1
1994	Forman Brothers, <i>et al.</i> , v. The Law Firm of Graham & James, <i>et al.</i>	Superior Ct. for the District of Columbia	CA 92-7919	Defendants	1	
1994	Stoneman v. Stoneman	Henrico Co., Va. Cir. Ct.	CH-91- 001234	Plaintiff	1	*
1994	Ace Sign v. Southwestern Bell Yellow Pages, Inc.	58 th Judicial Dist. Ct., Jefferson Co., Tex.	A-137,152	Defendant	1	
1993	UST Services, Inc., v. Southwestern Bell Yellow Pages, Inc.	234 th Judicial Dist. Ct., Harris Co., Tex.	91-055806	Defendant	1	
1992-1994	Tele-A-Call Answering Service v. Southwestern Bell Yellow Pages, Inc.	122 nd Judicial Dist. Ct., Galveston Co. Tex.	90CV0917	Defendant	1	1

* Deposition testimony entered at trial.