

Rodney J. Bosco, MAFF, CVA, CFE

Director

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Mr. Bosco has provided advisory and expert testimony services in adversarial settings for more than 30 years. He assesses the financial impact associated with commercial disputes, prepares appraisals of ownership interests in privately-held businesses and conducts investigations involving quantitative analysis or empirical research.

Mr. Bosco has examined financial and economic issues pursuant to civil litigation, investigations, investor/state arbitrations and contract compliance. He has addressed lost profits, cash flow, wages, business value, royalties, unjust enrichment and “most favored nation” pricing. Mr. Bosco has been retained as an expert in damages analysis and statistics, and has provided written and oral testimony.

Mr. Bosco holds professional certifications in financial forensics (MAFF), business valuation (CVA) and fraud examination (CFE).

Professional Experience

- **Damages Strategist** – Mr. Bosco helps litigants and legal counsel vet damages theories and calculations. Services include (a) developing a damages-infused discovery plan to support or refute damages calculations; (b) stress-testing damages theories and analyses to anticipate and neutralize critiques to develop compelling and defensible opinions; (c) elevating the damages IQ of the legal team to effectively examine opposing experts; and (d) facilitate settlement negotiations.
- **Contract Breach / Tortious Interference** – Mr. Bosco conducts financial forensic investigations pursuant to a wide range of commercial relationships, either arranged via contract or incurred through tortious activity. He has evaluated claims of lost profits, reliance costs, project cost overruns, and adherence to “most favored nation” pricing provisions. Commercial settings have included regional airlines, medical devices, maternity services, modular apartment construction, telecommunications, government contracting, Internet service providers, utility supply, storage facilities, roadway construction, and design/development contracts.
- **Labor and Employment** – Mr. Bosco analyzes lost earnings for individuals in the context of wrongful death and wrongful termination claims. He has calculated back pay in class actions brought under the Fair Labor Standards Act, the Federal Employee Pay Act, the Customs Overtime Pay Reform Act, the Border Patrol Agent Pay Reform Act, and the Compensation Clause of the U.S. Constitution.
- **Dealerships / Franchises** – Mr. Bosco analyzes but-for profits and valuation diminution assessments associated with breaches or terminations of dealership and franchise agreements. Industries examined include construction equipment, quick-serve restaurants, personal computers, earth moving equipment, automobiles, medium-duty trucks, duty-free shops, and pre-paid calling cards.

- **Intellectual Property** - Mr. Bosco evaluates financial harm associated with patent infringement, false marking, trademark infringement, and theft of trade secrets. Industries examined include content identification software, endoscopy equipment, credit cards, surveillance camera systems, animal feed/crop fertilizers, rechargeable batteries, ligament repair procedures, high-strength suture and athletic footwear.
- **Statistical Sampling** – Mr. Bosco designs samples to gain insight, or test hypothesis, across a wide range of topics. He has determined the reserve liability for hotel and airline affinity programs, estimated overcharges in hospital and pharmacy billings to Medicare, determined the underpayment of healthcare premiums to HMOs, tested music royalty algorithms, and measured the extent and duration of price fixing agreements. Mr. Bosco also reviews statistical analyses conducted by others for adherence to accepted theories and practices.

Testimony

- *Garnica, et al. v. HomeTeam Pest Defense, Inc., et al. (USDC, Northern District of California)*, deposition, 2016
- *Blue Spike LLC v. Audible Magic Corporation (USDC, Eastern District of Texas)*, deposition, 2015
- *Johnathan King, et al. v. United States (U.S. Court of Federal Claims)*, deposition, 2014
- *SkyWest Airlines, et al. v. Delta Air Lines (Court of Fulton County, GA)*, deposition, 2013
- *“The Future of Money: Coinage Production” (House Subcomm. on Domestic Monetary Policy & Technology)*, 2012
- *Philadelphia Authority for Industrial Development v. United States (U.S. Court of Federal Claims)*, deposition, 2011
- *Image API v. MAXIMUS (AAA arbitration)*, deposition, 2009
- *Isuzu v. Thermo King (USDC, District of Minnesota)*, deposition, 2008
- *Flaherty v. Legum & Norman (USDC, Eastern District of Virginia)*, deposition, 2006
- *DePuy Mitek v. Arthrex, Inc. (USDC, District of Massachusetts)*, deposition, 2006
- *Tri-State Stone & Building Supply v. Tower Asset Sub, Inc. (arbitration)*, testimony, 2005
- *Shaull Equipment & Supply Co. v. Ingersoll-Rand (USDC, Middle District of Pennsylvania)*, deposition, 2004

Education

- M.A., Economics, The University of Michigan
- B.A., Economics, Boston College

Professional Affiliations

- National Association of Certified Valuators and Analysts (NACVA)
- Association of Certified Fraud Examiners (ACFE)
- National Association of Forensic Economics (NAFE)
- District of Columbia Bar: Board of Governors; Attorney/Client Arbitration Board (Fee Dispute Arbitrator)

Publications

- With D. Ottenbreit and H. Platt: “Getting More Value From Your Damages Expert,” *Law 360*, October 2016
- With D. Ottenbreit: “The Damages Expert’s Role In Fact Discovery,” *National Litigation Consultants’ Review*, Volume 1, 2016
- With D. Ottenbreit: “Potential Issues in Using Business Appraisal as the Measure of Damages in Litigation – Dealer Termination,” *The Value Examiner*, September/October 2015
- With R. Rudkin: “Valuation of Employee Stock Options: It isn’t Just Black-Scholes Anymore,” *The Value Examiner*, March/April 2014
- With D. Ottenbreit: “Duration Of Damages: Can Lost Profits Continue Forever?,” *Law 360*, March 2013
- With K. Davis: Potential Benefits to the United States Mint from Changing the Metallic Content of its Vended Coins to Multi-Ply Plated Steel, February 2, 2012, Navigant Consulting, Inc.
- “What is the Value of ‘Forever’?: Choosing Between Long-Term Mitigation and a Perpetual Damages Model,” *Financial Valuation and Litigation Expert*, Issue 28, December 2010/January 2011