

David J. Ottenbreit, CVA, CFE

Director

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Education and Certifications

Baylor University
B.B.A, Economics and Public
Administration

Baylor University
M.S. Economics

Certified Valuation Analyst (CVA)

Certified Fraud Examiner (CFE)

David J. Ottenbreit is a Director with Chess Consulting LLC. For over 25 years, Mr. Ottenbreit has analyzed business operations and financial conditions, determined appropriate damage theories, as well as addressed claims for lost sales and profits, increased costs, reasonable royalties, diminution of shareholder and business entity value, unjust enrichment and lost wages and compensation. He also has performed investigations of fraud allegations, including employee embezzlement and government contractor false claims allegations.

Mr. Ottenbreit has been retained as an expert in damages analysis in federal and state courts and arbitration. He has also filed declarations in federal court and presented his findings to DCAA Auditors.

Mr. Ottenbreit earned a Master of Science degree in economics from Baylor University. He also holds professional certifications in business valuation (Certified Valuation Analyst) and fraud examination (Certified Fraud Examiner).

Professional Experience

- **Commercial Damages** - Mr. Ottenbreit has spent his entire consulting career addressing the economic impacts associated with a wide range of commercial dealings in a variety of industries. Measures of harm addressed in these engagements have included lost profits and cash flow, diminution of business/shareholder value, over and underpayments of fees or reimbursements, excess costs incurred, and license/royalty fees.
- **Labor and Employment** - Mr. Ottenbreit has calculated and critiqued estimates of lost earnings and benefits involving over 50,000 individual plaintiffs in dozens of matters. The work has been performed across a wide range of dispute settings, including gender discrimination, wrongful termination, personal injury, wrongful death, unlawful denial of statutory cost of living adjustments, and unpaid overtime pursuant to the Fair Labor Standards Act, the Customs Officer Pay Reform Act, the Border Patrol Agent Pay Reform Act, and Title V of the United States Code. Mr. Ottenbreit has also investigated time keeping and billing practices pursuant to allegations of fraud, misrepresentation, and embezzlement.

- **Government Contract Claims** - Mr. Ottenbreit has worked on numerous government contract claims, both for the Department of Justice and government contractors. This work has included analyzing claims for lost profits and excess costs associated with terminations, calculating cost overruns due to changes in scope on fixed price contracts, and investigating billing practices of government contractors due to qui tam lawsuits.
- **Construction Claims** - Mr. Ottenbreit has worked on multiple construction disputes between prime contractors and owners and prime contractors and subcontractors. This work has included quantify the additional costs incurred for the design and construction of an Embassy Compound, quantify the loss in productivity incurred during the construction of a Waste Treatment & Immobilization Plant, analyzing changes in scope related to the decontamination and decommissioning of a nuclear site, and evaluating claims for schedule delays and cost overruns associated an aircraft modification project for the Canadian military.
- **Fraud Investigations and Funds Tracing** - Mr. Ottenbreit has performed investigations related to allegations of employee embezzlement, government contractor overbilling to the federal government, inappropriate allocation of government-sponsored grant funds, non-compliance with Medicaid/Medicare guidelines, and violation of Government Services Administration most favored nation contract terms.
- **Business Valuation** - Mr. Ottenbreit has assisted organizations and individuals who need to understand the potential value of a closely held business. He has assisted both buyers and sellers considering the transition of a business or division of a business. He has also critiqued and prepared business valuations in dispute settings including minority shareholder disputes.
- **Damages Strategist and Settlement Negotiations** - Mr. Ottenbreit has advised client decision makers and their counsel on the potential economic value of an opportunity or threat posed by an event and its sensitivity to key assumptions and market dynamics.

Expert Retentions In Litigation and Arbitration

- *The Jacobs Company, Inc. v. Innovative Insurance Solutions, LLC.* American Arbitration Association, Baltimore, Maryland, March 2023 (Expert Report and Arbitration Testimony).
- *Bern Unlimited, Inc. v. Easton-Bell Sports, Inc., et al.* USDC for the District of Massachusetts, June 2014 (Expert Report).
- *K Street Developers LLC, et al. v. Teachers Insurance & Annuity Association of America, et al.* USDC for the District of Columbia, July 2013 (Expert Report and Deposition).
- *Seton Company v. Herbert, Rowland & Grubic, Inc. and Gwin, Dowbson & Foreman, Inc.* Court of Common Pleas, Dauphin County, Pennsylvania, June 2013 (Expert Report).
- *Steven R. Graboff, M.D. v. The Colleran Firm, et al.* USDC for the Eastern District of Pennsylvania, February 2012 (Expert Report).
- *Lumber Liquidators, Inc. v. Kevin H. Sullivan.* American Arbitration Association, Boston, Massachusetts, September 2010 (Expert Report and Arbitration Testimony).

Not-For-Profit Financial Pro-Bono Consulting

- **Washington Winter Show** - Since 2005, Mr. Ottenbreit has served as Treasurer of The Washington Winter Show, an annual fund-raising event benefiting local not-for-profit organizations serving the needs of at-risk children and families.
- **Academy of Hope** - For 6 years, Mr. Ottenbreit was a member of the Board of Directors, Treasurer, and Finance Committee member for Academy of Hope, a Washington DC based not-for-profit organization that provides adult education to at-risk adults with limited or no income.
- **DC Bar** - Since 2009, Mr. Ottenbreit has served as a volunteer arbitrator in legal fee disputes brought pursuant to the District of Columbia Bar's Attorney-Client Arbitration Board program. From 2014 – 2020, he served on the program's governing board.

Professional Affiliations and Honors

- National Association of Certified Valuators and Analysts (NACVA)
- Association of Certified Fraud Examiners (ACFE)
- 40 Under Forty by National Association of Certified Valuators and Analysts, June 2015

Publications

- Bosco, Rodney, Ottenbreit, David, and Platt, Henry. "Getting More Value From Your Damages Expert" published in Law 360, October 2016
- Bosco, Rodney and Ottenbreit, David. "The Damages Expert's Role In Fact Discovery" published in National Litigation Consultants' Review, Volume 1, 2016
- Bosco, Rodney and Ottenbreit, David. "Potential Issues in Using Business Appraisal as the Measure of Damages in Litigation—Dealer Termination" published in The Value Examiner, September/October 2015
- Bosco, Rodney and Ottenbreit, David. "Duration Of Damages: Can Lost Profits Continue Forever?" published in Law 360, March 2013