



RSM! McGladrey |



Freed Maxick & Battaglia, PC
Certified Public Accountants

Litigation Support Services

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Have you considered the outcome of having inadequate resources to help you resolve a legal dispute? In today's competitive legal environment, effective use of expert witnesses and clear communication is crucial to skillful trial preparation and a winning verdict. Without these elements, there's a slim chance of a successful financial outcome.

How we can help

Freed Maxick & Battaglia's litigation support services group provides resources to meet your complete client dispute-resolution needs — from simple to complex, from initial discovery and assessment through trial and appeal.

We work with you to understand the big picture and when appropriate, offer suggestions that fine-tune your approach. After we fully understand your legal theory, our consultants offer solutions to problems that are highly complex. Although some cases never go to trial, our analysis often increases your chance of a successful financial outcome in settlement discussions.

We use proven techniques to strengthen your case and provide the basis for key testimony. If appropriate, we:

- Assist legal counsel in determining necessary and important discovery documents
- Evaluate the opposing expert witness and work product
- Assist legal counsel in prioritizing case strategies relative to probable damage areas and amounts
- Assist legal counsel in developing lists of questions to ask opposing expert witnesses

We help clients get the skills and support needed for specific cases — provided by professionals whose credentials will stand up under the scrutiny of contending parties. With formal training in accounting, tax, finance and economics, we bring a broad perspective to litigation engagements.

And we work in conjunction with our industry specialists to help manage and guide the legal process and theoretical damage issues.

Freed Maxick and RSM McGladrey Alternative Practice Structure

While some locally owned firms participate in "network alliances" with larger national firms, the clients of Freed Maxick & Battaglia, CPAs have the advantage of something far different...and far superior. We have the distinction of operating an Alternative Practice Structure with RSM McGladrey, the 5th largest accounting firm in the US. Though separate and independent legal entities, Freed Maxick and RSM McGladrey work together to serve clients' business needs. It is through RSM McGladrey, that our local professionals deliver our tax and consulting (non-attest) services through. This arrangement enables Freed Maxick & Battaglia, a licensed CPA firm that provides attest services (audit), and RSM McGladrey, Inc., a business services company that provides non-attest (tax and consulting), to work together to serve the business needs of mid-sized companies.

Our Services Include:

Insurance claims adjudication services

- Insurance, fidelity and surety bond claims
- Insurance coverage disputes and resolutions

Business Valuations

- Entire entity or specific ownership interest
- Division, product, or intangible asset
- M&A, tax, contract, dispute, matrimonial

Business losses

- Breach of contract
- Intellectual property infringement
- Business interruption
- Dissenter's rights/shareholder squeeze-outs
- Antitrust
- Professional liability

Personal losses

- Personal injury or wrongful death
- Discrimination or wrongful termination

Class action

- Damages analysis

Marital dissolution

- Business or pension valuation
- Asset tracing
- Cash flow or financial planning

Fraud investigations and forensic accounting

- Employee embezzlement
- Management, vendor and customer fraud
- Financial statement fraud

Post-transactional disputes

- Purchase price adjustments
- Breach of reps and warranties

Due diligence analysis

- Mergers and acquisitions
- Asset purchases

Insolvency analysis

- Valuation services
- Corporate recapitalization and reorganization

Recent Experience

► **\$1.6 million embezzlement** - We were engaged by a not-for-profit organization to investigate a fraud perpetrated by its chief financial officer. The fraud scheme included off balance sheet bank accounts, duplicate business reimbursements and diversion of donations and proceeds from property sales. At the conclusion of our investigation, we provided expert witness testimony that led to the conviction through the Erie County District Attorney's office and a sentence of 3-5 years in prison.

► **\$1.2 million embezzlement** - We were engaged by a billion dollar Western New York based manufacturer to investigate accounting irregularities a divisional controller at a Canadian subsidiary. Our investigation led to the discovery of a fraud scheme that included fraudulent expense and petty cash reimbursements, alteration of check disbursements, purchase of goods and services for personal benefit and unauthorized payment of personal overtime payroll. As of this time, the case is being tried in the Canadian courts.

► **Criminal Defense Litigation** - We were engaged to provide forensic accounting and support services for a defense team of 8 law firms nationwide in the context of Federal District Court Litigation involving a large U.S. Virgin Islands retail grocery store with an alleged underreporting of income related to money laundering, mail fraud and other criminal charges. Additionally we have been engaged as experts in an EDC case in the U.S. Virgin Islands with various alleged criminal counts including tax evasion. We will provide expert testimony and assistance to counsel.

► **Healthcare Litigation Support** - We were engaged to provide financial analysis and expert witness testimony for healthcare litigation concerning provider based payments. The majority of skilled nursing home providers sue the State of New York over inadequate reimbursement rates. We developed in-depth financial analysis individually and cumulatively for each of the 62 providers showing the economic damages for several years resulting from the inadequate reimbursements. This engagement required thorough knowledge of the New York State Medicaid reimbursement system and skilled nursing home operational benchmarks.

► **Antitrust Litigation** - We were engaged by a grocery store chain in a antitrust suit brought by a competing grocery store chain in Jamestown who contended that their competitor was buying up property in Jamestown to prevent them from building a competing store. We represented the defense and assisted counsel in attacking the damage calculation presented by the accuser's expert which was a discounted cash flow model. We attacked several assumptions used in the expert's report that were difficult to substantiate or were unreasonable. This ultimately led to the dismissal of the expert witness and his report.

Our Experienced Team



Bob Glaser, CPA
Director



Ron Soluri, Sr., CPA
Director



Tim McPoland, CPA,
CVA, CFE, ABV
Director



Tom Chiavetta, CPA,
CVA, ABV
Director



Howie Rein, CPA, CFE
Director



David Hanley, CPA, CFE
Director



Mike Ervin, CPA, CFE
Director



Dave Barrett, CPA
Director



Howard Epstein, CPA
Director



Henry Koziol, CPA, CFP
Director



Ron Soluri, Jr., CPA, CVA
Senior Manager



Joe Aquino, CPA, CVA
Senior Manager



Why Freed Maxick & Battaglia

At Freed Maxick, our professionals have impeccable credentials and outstanding courtroom presence. Our extensive courtroom experience helps us to be effective communicators who can make complex financial issues understandable to a judge or jury.

As a member of RSM International, we have access to the depth of resources and experience necessary to properly staff a litigation assignment of any size or complexity.

Because of our deep experience, we understand the devastating financial outcome of a costly dispute. With this in mind, we work with you to develop flexible, innovative and cost-effective solutions to your litigation problems.

To learn more about Freed Maxick's litigation support services,
call us at 716.847.2651

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