



VERIS FROM OCEAN TOMO

# ECONOMIC DAMAGES



Determining with reasonable certainty the measure of economic harm suffered requires the ability to create and measure alternative economic scenarios, the evaluation of theories of damages, and the evaluation of causation issues.

Measuring damages in litigation disputes is a complex endeavor. Among the many variables to be analyzed are the determination of marginal or incremental costs, projections of future cash flows, use of appropriate discount and capitalization rates along with but-for world comparisons.

The following summaries illustrate the types of damage-related matters in which we have provided expert assistance:

- » Veris from Ocean Tomo has been engaged to evaluate a variety of damages considerations in which we have constructed and evaluated models that sought to measure the difference between actual results and but-for results, including those involving the assertion of so-called “deepening insolvency” as a theory of damages.
- » On behalf of the US Department of Justice, Veris from Ocean Tomo has provided analysis and expert testimony in multiple engagements defending the Department of Energy against claims involving hundreds of millions of dollars related to the costs associated with the storage of spent nuclear fuel.
- » On behalf of a global technology company, Veris from Ocean Tomo rebutted damages calculated by a variety of experts in connection with a dispute involving losses from the utilization of faulty materials in the production of tankless waterheaters.
- » In the context of arbitrations and trials, including an ICC arbitration, Veris from Ocean Tomo has reviewed, evaluated and quantified damages in multiple royalty-related breach of contract disputes. The calculations in these matters included complex modeling and discounted cash flow calculations.
- » In several matters, Veris from Ocean Tomo has been engaged to perform calculations in the context of post-acquisition purchase disputes dealing with a variety of accounting and economic issues pursuant to provisions of the acquisition agreements.
- » On behalf of a major US insurance company, Veris from Ocean Tomo was engaged to evaluate economic damages related to purported lost profits and other defense/settlement costs alleged by a venture capital firm related to contaminated pharmaceuticals that were sold by one of its investees.

---

**WE ARE ENGAGED TO DETERMINE THE MEASURES OF ECONOMIC HARM.**

---

## Other Featured Engagements

- » Evaluated losses sustained by a major international systems developer in connection with development of health care management systems. Deposition testimony provided.
- » Engaged by counsel in defense against claims related to damages involving genetically altered agricultural products. Deposition and arbitration testimony provided.
- » Engaged to critique an assertion of consequential damages that were allegedly incurred in connection with a delay in the reconstruction of a building complex that was destroyed by Hurricane Katrina, including an assessment of alleged increased construction costs as well as calculations of alternative measurements of financing costs and investment income.
- » Engaged to rebut assertions of losses allegedly sustained by a pharmaceutical manufacturer as a result of the use of a tainted product which caused injury and death. Veris from Ocean Tomo's work included rebutting certain claims for lost profits and other alleged damages.
- » Constructed a lost-profits model and presented that model at trial in litigation involving asserted contractual breaches related to global positioning satellite systems in the U.S. aviation industry.
- » Engaged to assist Plaintiff's counsel to review, analyze and express opinions regarding the appropriateness and reasonableness of prices charged to consumers based upon the estimated costs of the product and a fair rate of return on those costs. Also included measurements of the economic consequences to customers, to the extent they were charged and paid a price which exceeded an appropriate and reasonable amount.

## About Ocean Tomo

Established in 2003, Ocean Tomo, LLC provides Financial Expert, Management Consulting, and Advisory services related to intellectual property (IP) and other intangible assets; corporate accounting investigations; regulatory and reporting obligations; solvency and restructuring; and contractual or competition disputes.

Practice offerings address economic damage calculations and testimony; accounting investigations and financial forensics; technology and intangible asset valuation; strategy and risk management consulting; mergers and acquisitions; debt and equity private placement; and IP brokerage.

Intangible assets comprise 90 percent of business value but are also subject to significant impairment due to enterprise and regulatory compliance risk. Ocean Tomo assists clients – corporations, law firms, governments, and institutional investors – in realizing Intellectual Capital Equity® value broadly defined.



### CONTACT

**Jonathan Couchman,**  
**CPA, CFF, ABV,**  
Managing Director &  
Practice Leader, Economic  
Damages Litigation  
+1 703.654.1423  
jcouchman@verisconsulting.com

Mr. Couchman has testified in federal court in matters involving economic damages and has extensive experience providing consulting services related to every phase of the litigation process.



### CONTACT

**Kent Barrett,**  
**CPA, CFF, CFE, CLU,**  
**ChFC, FLMI**  
Senior Managing Director  
+1 319.601.9104  
kbarrett@verisconsulting.com

Mr. Barrett, a former insurance and investment company chief financial officer, has led several major litigation engagements to evaluate financial statements and auditor conduct.