



**FINANCIAL POISE WEBINARS
VALUATION FIGHTS IN LITIGATION: BATTLE OF THE EXPERT
2017**

Sponsored by: EisnerAmper

SERIES OVERVIEW

Valuation is used by market participants to determine the price they are willing to pay or receive to transact a sale of a security, a business or an asset. The same techniques are used to determine the price they are willing to pay or receive to settle a claim or satisfy a liability. It should be no surprise then that when there is a dispute between two or more parties regarding value, the same valuation techniques and skills are necessary to resolve the dispute. Attorneys, accountants and business owners often rely on independent, third-party valuation experts to assist in the resolution of disputes or potential conflict situations. Some of the typical situations in which valuation experts are utilized include fair value financial reporting (GAAP accounting), bankruptcy, income tax reporting, property tax appeals, estate and gift tax planning and reporting, dissenting shareholder disputes, corporate transactions and disputes, divorce litigation, shareholder disputes or economic damages analysis as well as many other business and legal purposes. Each episode is delivered in Plain English understandable to business owners and executives without much background in these areas. Yet, each episode is proven to be valuable to seasoned professionals. As with all Financial Poise Webinars, each episode in the series brings you into engaging, sometimes humorous, conversations designed to entertain as it teaches. And, as with all Financial Poise Webinars, each episode in the series is designed to be viewed independently of the other episodes, so that participants will enhance their knowledge of this area whether they attend one, some, or all of the episodes.

EPISODE SUMMARIES

EPISODE #1

Selecting the Right Valuation Expert for Litigation

September 28th, 2017 at 2pm CST



A dispute regarding the value of a business or business interest, asset or liability can often lead to litigation. When do you need a valuation expert? An independent, third-party expert is not necessarily required during the negotiation process although it may be helpful. But once you are headed to litigation, an expert will be required. Are there credentials that are useful in identifying the appropriate expert? Are all credentialed experts the same or are there advantages to one over another? The process of selecting the right expert begins with identifying the issues in dispute. This webinar will help you by identifying and explaining key factors that you should consider in selecting an expert for your litigation circumstances.

EPISODE #2

Valuing Lost Profits for Litigation Purposes October 19, 2017 at 2pm CST

A competitor, contractor or other third party has taken actions that have damaged your business in the form of lost profits. How do you measure the lost profits? Must you demonstrate lost profits with certainty? Over what period do you measure the lost profits? If your business has not recovered fully, can you include estimated future lost profits? These are all important questions in a lost profits case. This webinar addresses those questions and summarize the different methods to measure lost profits, as well as some of the critical elements that must be considered in developing and presenting your damages theory in court.

EPISODE #3

Bankruptcy Valuation Issues: Valuation in the Context of a Fraudulent Transfer or Preference Attack December 7th, 2017 at 2pm CST

Bankruptcy trustees, debtors, liquidating trusts, and others often file claims against former shareholders/executives for alleged fraudulent transfers. A key issue relates to the value of the debtor's assets at the time of the transfer relative to its liabilities and claims against its assets – in short, whether the debtor was solvent and/or adequately capitalized at the time of the transfer. There are several tests that financial analysts use to determine solvency and adequate capitalization of a business. This webinar describes those tests and helps attorneys understand how experts determine retrospective asset values and solvency. It will describe the methods used to determine the solvency of a business when issuing contemporaneous opinions and how they may differ when called upon to



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opine on the retrospective solvency of an entity that has filed for protection under the Bankruptcy Code.