

Jessica B. Horewitz, Ph.D , Director

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SUMMARY

Dr. Horewitz offers 15 years of consulting experience in the litigation environment, using analytical and statistical tools to assist clients with a variety of economic and econometric analyses in different arenas. She has substantial expertise in managing large volumes of data and conceptualizing analyses to best use the data for clients' analytical needs.

Dr. Horewitz has been instrumentally involved in liability estimation, claims analysis, claim projections, and cash flow analysis in asbestos and other mass-tort matters. Her experience extends to lost profit analysis in contract disputes and general economic damages analyses. Dr. Horewitz is experienced in statistical analysis and allocation of environmental remediation costs, economic damages, and sports economics.

Dr. Horewitz has conducted analyses in a diverse array of industries; she has investigated the economic impact of intellectual property (trademarks and patents) as well as class certification issues in the anti-trust/ competitive environment. In addition, Dr. Horewitz has represented clients in governmental and regulatory hearings.

EDUCATION

Ph.D., Economics, University of Virginia, 1997
M.A., Economics, University of Virginia, 1992
B.A., Economics, The George Washington University, 1990

PREVIOUS POSITIONS

Navigant Consulting, Inc., 1999-2000; 2005 to 2010
LECG, LLC; 2000 - 2005
PHB Hagler Bailly, (Formerly Putnam, Hayes, and Bartlett, Inc.). 1995 – 1999
George Washington University, Adjunct Faculty 2001
Duquesne University, Adjunct Faculty 1994-1995
University of Virginia, Instructor, 1992-1994

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REPRESENTATIVE ENGAGEMENTS

Product Liability and Insurance Coverage

- Assisted dozens of clients in assessing potential asbestos and other product liability for purposes of financial reporting, potential acquisitions, and risk walling transactions, performing analyses in due diligence, risk analysis and industry benchmarking.
- Provided rebuttal testimony regarding the methodology used to value the stock of pending asbestos claims filed by a plaintiff law firm. Addressed adequacy of research, methodology selection, and reliability of results.
- Provided expert testimony in a product liability transfer dispute regarding the reasonableness of due diligence requests surrounding asbestos for the purposes of the sale/purchase of a chemical company in 1986.
- Provided expert declaration in an insurance dispute regarding the sample methodology and sample size for reviewing claim files for accuracy.
- Provided rebuttal testimony in an insurance dispute regarding robustness of statistical results. Addressed the sensitivity of results to assumptions and data “cleaning” performed by opposing expert. Repeated statistical analyses under reasonable data cleaning algorithm and reversed opposing expert’s findings by slight alteration to assumptions.
- Has designed and implemented statistical sampling methodologies to research data issues in claims files and characterize unknown claims based on known distributions and facilitate allocation to insurance policies. Has conducted economic and statistical investigations to test assumptions and analyses in insurance coverage disputes for a number of clients.
- Has provided analysis for all facets of litigation in products liabilities settings for both insurers and insured, primarily focused on asbestos. Designs and conducts analysis for liability estimation of pending and future claims primarily with regard to asbestos litigation and bankruptcies, as well as environmental and other product liabilities. Has modeled cash flow and potential exposed population for expected future liability, reviewed underlying plaintiff files, provided statistical analyses and expertise on large databases (over 400,000 records) as well as provided expertise and analysis of statistical sampling. Has supported experts and attorney/clients in all phases of litigation, including expert report, deposition preparation, trial preparation, and appeal.

Economic Damage, Antitrust, Business Competition, Class Certification

- Provided expert report and testimony on lost revenue analysis associated with a defunct joint venture in the defense contractor industry.
- Involved in every level of support for private and public antitrust actions including authoring sections of expert reports, witness preparation, deposition review and strategy meetings with attorneys/client. Settings have included federal court (trials) and Federal Trade Commission (hearings). Industry experience includes software, chemicals, automotive, oil and gas, and medical equipment.

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- Has conducted economic analyses for class certification litigation in a variety of industries, including insurance and retail products, for the purposes of certification, damages calculation, expert rebuttal, and settlement negotiations. Work involved review of large amounts of data and numerous documents and performing market analyses related to anti-trust, tying claims and retail price maintenance.
- In anti-trust tying class certification matter in the payment card industry, supported liability expert. Responsible for market structure research and analysis, data analysis, framing rebuttal report, database and document management.
- In anti-trust retail price maintenance case, performed extensive data analysis and settlement calculations for potential class member who wished to settle. Was instrumental in educating counsel on method and data restrictions that lead to assumptions and to effective settlement negotiations.
- Experienced in trademark and patent issues. In various engagements has researched and analyzed the interaction between intellectual property and antitrust, reviewed documents and depositions, framed case theory, authored sections of expert reports, participated in witness preparation, deposition review and strategy meetings with attorneys/client. Industry experience includes telecom, gaming, and trucking.
- Analyzed the competitive effects of restructuring an electric utility power pool. Responsibilities included constructing bidding models in spreadsheets, calculation of HHI as a description for a market in which there are many more potential sellers than actual sellers, review written testimony of expert witness, and liaison between senior staff and programmers.

Sports Economics

- Economic analyst and spokes person on behalf of the National Football League Players Association in connection with re-negotiation of the collective bargaining agreement.

Environmental Litigation

- Participated in analyses related to environmental contamination sites with limited data for the purpose of estimating future liabilities.
- Responsible for analysis evaluating remediation technology choices and probabilistic outcomes for several environmentally damaged sites. Responsibilities for analysis included review of environmental engineering reports, alternative remediation selection, cost analysis, writing of summary report.
- Primary responsibility for statistical analysis in an environmental damages litigation case. Analysis included correlation and regression analysis.

Pharmaceutical Litigation

- Involved in all aspects of litigation support for a major pharmaceutical company. Evaluated and assisted in sampling protocol for a large national hospital survey. Participated in analysis of

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results from the sample, including identification and correction for sampling bias. Instrumental in maintaining continuity of knowledge on project beginning in 1995. Maintained case history through turnover of research and SAS programmer staff. Designed and implemented major linking database that incorporates all data used to implement on-going damages model.

- Primary responsibility for knowledge and implementation of analysis joint venture contract dispute in response to opponent after arbitrator decided in our client's favor. Instrumental in implementation of arbitrator's decision and transition of methodology to a neutral party.
- Primary responsibility for all data related to multi-million dollar settlement lost profit litigation, including timing of data updates, relationship between several government and non-government sources, interaction among SAS database and EXCEL models, solely responsible for communication between senior personnel and programmers. Co-wrote procedures manual to document litigation activities and facilitate transition of methodology to a neutral third party.

Regulatory Analysis

- Involved in assessing the restructuring of parcel post rates for a competitor of the U.S. Post Office. Evaluated the re-structuring for issues of cross-subsidization, competitiveness, and predation. Sole support for one witness. Responsibilities included review of opposing party's methodology, framing interrogatory questions and responses, and strategy meetings with client and attorneys.

TESTIMONY

- *McKesson Corporation v Univar USA, Inc.*, American Arbitration Association (Case No. 74 489 Y 01220 07JRJ). Deposition, July, 2009.
- *Systems Products & Solutions, Inc. v R4, Inc.*, United States District Court for the Eastern District of Virginia, Alexandria Division (No. 1:08CV847-TSE/TRJ). Deposition, January 2009.
- *J.T. Thorpe Inc., et al (Debtor) v. St. Paul Fire and Marine Insurance Company*, U.S. Bankruptcy Court, CD California (No. 04-01438). Declaration for insurers (May 25, 2005).

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PUBLICATIONS, PRESENTATIONS, AND SPEAKING ENGAGEMENTS

- Benchmarking for Asbestos Liabilities, with Mary Lyman. *Journal of Run-off and Restructuring*, Issue 29, Summer 2009.
- Forecasting Mesothelioma: Improvements in the Nicholson Methodology Are Better Predictors of the Recent Past, with Jorge Sirgo. *John Liner Review*, Vol. 23 No. 1. Spring 2009.
- Analysis of the Estimated Production Cost Savings of Replacing the Dollar Note with the Dollar Coin, with Robin A. Cantor and Robert N. Yerman, final report of analysis submitted to *Congressional Record* June 12, 2000.
- Doctoral Dissertation to the Economics Department, University of Virginia 1997, "Are National Football League Team Owners Profit Maximizers?"
- Speaker: Data Analysis, Venue Update, and Strategy Review, *BVR Legal/Mealey's™ Teleconference*, August 5, 2008.
- Speaker: Learning from the Data to Chart Out Future Trends and Manage Your Cases, *LexisNexis® Mealey's™ Teleconference*, November 15, 2007.
- InTap, December 2005 meeting, Cologne, Germany. Presented summary of analyses from several US consulting firms regarding funding of the Fairness in Asbestos Injury Resolution (FAIR) Act (proposed federal asbestos reform).

PROFESSIONAL ASSOCIATIONS

American Economic Association
Women's Council on Energy and the Environment
Washington DC Women's Bar Association