

PETER P. SIMON, Ph.D.
Vice President

Phone: (213) 896-4540
Fax: (213) 623-4112
peter.simon@analysisgroup.com

333 South Hope Street
27th Floor
Los Angeles, CA 90071

Dr. Simon is an applied microeconomist with specific expertise in employing econometric techniques to analyze complex business issues. He has managed case teams addressing matters related to securities, intellectual property, class certification, price fixing, business valuation, and general damages. In the areas of finance and securities, he has assessed competition and volatility in the mutual fund industry, valued complex currency derivatives, and gauged the economic reasonableness of fees given fund performance. He has worked extensively on intellectual property matters, performing lost profit and reasonable royalty analyses in patent infringement disputes; he has also analyzed detailed paid search advertising data in the context of a trademark infringement dispute. In his work, Dr. Simon has collaborated with leading marketing academics to investigate consumer behavior in online environments, assess the commercial reasonableness of marketing activities, and review claims of a major brand's impending demise. He also has considerable experience evaluating sampling procedures and methodologies, and designing and selecting random samples. He has served as an expert on sampling-related issues in several large litigations. He has evaluated, designed, collected, and analyzed samples in mortgage-backed securities, insurance, Medicare fraud, and construction defect cases. In addition, Dr. Simon has conducted empirical research in a number of areas. Prior to joining Analysis Group, he served as a research assistant at the Federal Reserve and lectured in economics at Princeton University.

EDUCATION

- Ph.D. Economics, Princeton University
 Dissertation: *Four Essays on Consumer Lending Markets and Money Demand*
- M.A. Economics, Princeton University
- B.A. Mathematical Economics, Pomona College, *cum laude*

PROFESSIONAL EXPERIENCE

- 1998 – Present Analysis Group, Los Angeles, CA
 Vice President
 Manager
 Associate
- 1990 – 1993 Board of Governors of the Federal Reserve System, Washington, D.C.
 Research Assistant

TESTIFYING / EXPERT EXPERIENCE

- **Investigation of Medical Service Provider**
Submitted report describing method and results from a random sample of patient records (3/13)
- **Class Action v. First American Home Buyers Corporation**
Superior Court, Los Angeles County, California
Provided declaration critiquing plaintiffs' expert's random sample (7/12)
- **Various Purchasers of Lasco Bathware v. Lasco Bathware, Inc.**
Superior Court, San Diego County, California
Provided declaration on the feasibility of sampling documents as part of the discovery process (4/07)
- **Statistical Evaluation of Theft – Innovative Dining (not litigation)**
Estimated amount stolen by employee of restaurant over a two year period. Provided report that restaurant's insurer used to justify payment of the restaurant's claim (4/06)
- **Emily Greines v. Ford Motor Company**
Superior Court, Los Angeles County, California
Expert witness for plaintiff. Calculation of profit earned on automobile security systems. (Deposition only, 1/04)
- **Robert Minor v. Rene Collier and Debris Free, Inc.**
Superior Court, Ventura County, California
Expert witness for defendant. Valuation of small business selling patented debris-diversion device for installation on river bridge abutments. (Deposition only, 3/03)

SELECTED CASEWORK

Statistics

- **Class Action v. Home Builders**
Cases brought in Nevada and California
Support statistician in designing random sample of homes for construction defect matters
- **Intervenor v. Mortgage Lender**
Supreme Court of the State of New York
Support statistician expert in analyzing opposing expert's sample selection of mortgages within mortgage-backed securities
- **Peter Claydon v. Nestlé Waters North America Inc., et al.**
U.S. District Court, Central District of California
Supported an academic affiliate in analysis of delivery patterns of particular products within California, including statistical analysis of rates of delivery over time and by delivery person experience
- **Class Action v. First American Title Insurance Company**
Various jurisdictions
Supported an economics/sampling expert in examining a sample of real estate transactions, analyzing premiums charged for prevalence of insurance policy mispricing among class members' transactions

- **Citri-Lite Company v. Cott Beverages, Inc.**
U.S. District Court, Eastern District of California
Supported an academic affiliate in analysis of the commercial reasonableness of marketing efforts of the defendant, including statistical analysis of product demonstrations' effect on product sales
- **Buena Vista v. Blockbuster**
U.S. District Court, Central District of California
Supported an academic affiliate in using statistical techniques to show the degree to which promotions by the defendant affected rental revenue of the plaintiff's content
- **In re: Humana, Inc., Managed Care Litigation**
Working for one of the defendants, managed analysis of large amount of medical claims data in a case alleging underpayment of physicians by insurers
- **US ex rel Jordan v. Northrop Grumman**
United States District Court, Central District of California
Assisted expert with statistical analysis of product-defect rates
- **Bullon, et al. v. Fieldstone Development**
Superior Court, Orange County, California
Supported expert in critique of sampling methods employed by technical experts in construction defect case
- **U.S. ex rel Baylor v. Kerlan Jobe Orthopaedic Clinic**
Supported expert in design of sampling plan and extrapolation of sample results to investigate the frequency and amount of overbilling of Medicare patients in a whistleblower case involving a large group of physicians
- **Hendry, et al. v. Fieldstone Development**
Superior Court, Orange County, California
Supported expert in critique of sampling methods employed by technical experts in construction defect case
- **Howard, et al. v. Ford Motor Company**
Supported expert in analysis of defect rates of ignition modules

Securities

- **Mutual Fund Fee Litigation**
U.S. District Court, Northern District of California
Supported a finance professor in examining fees and performance of funds at issue and comparing them to those of peer funds and appropriate benchmarks
- **Transamerica Investment Management, et al. v. Delaware Management Holdings, et al.**
Superior Court, San Francisco County, California
Supported two experts: an expert on damages issues and an investment management industry expert. Case involved allegations of breaches of fiduciary duty and loyalty following the departure of mutual fund managers from an investment company.

- **In re American Funds Fee Litigation**
U.S. District Court, Central District of California
Supported an academic economist who opined on economic reasonableness of claims of excessive fees and on economies of scale
- **MGM Entertainment Company v. Sony Corporation**
Assisted with case issues involving econometric estimation of the impact of Sony's actions regarding the "James Bond" property on MGM's IPO
- **Diamond Investment Company, et al. v. Morgan Guaranty Trust, et al.**
United States District Court, Southern District of New York
Supported expert in analysis of foreign currency derivatives in case of investment banker malfeasance

Intellectual Property

- **Trademark Infringement Suit against Bed Manufacturer**
U.S. District Court, District of Minnesota
Support marketing expert in analyzing paid search advertising activity and its relationship to sales
- **Ticket Innovations v. Ticketmaster**
Superior Court, Los Angeles County, California
Supported damages expert in trade secrets case involving ticket resale technology
- **American Honda v. Pep Boys, et al.**
U.S. District Court, Central District of California
Supported damages expert in trade dress infringement suit involving gasoline engines
- **Unova v. Hewlett-Packard**
U.S. District Court, Central District of California
In a patent infringement case involving laptop battery charging/discharging technology, supported two experts: one in calculation of reasonable royalty damages, the other in estimation of regression models to critique an opposing expert's use of hedonic modeling to show the effect of the patented feature on the product's price
- **Karen Umbrella Co., Ltd. v. Ye Hung Co., Collins Co., Albertson's Inc., et al.**
United States District Court, Central District of California
Supported expert in reasonable royalty and lost profit calculations in a patent dispute involving cantilevered patio umbrellas
- **Sun Microsystems v. Kingston Technologies**
United States District Court, Northern District of California
Supported expert in reasonable royalty calculation in a patent dispute involving computer memory designs
- **Caliper Technologies v. Aclara Bio Sciences**
United States District Court, Northern District of California
Supported expert in reasonable royalty and lost profit calculations in a patent dispute involving lab-on-a-chip technology

- **NCube v. Seachange International**
United States District Court, District of Delaware
Assisted with reasonable royalty calculations for a patent dispute involving programming server technology used in video-on-demand over cable systems
- **National Instruments Corp. v. MathWorks, Inc.**
United States District Court, Eastern District of Texas
Supported expert in reasonable royalty calculation for a patent dispute involving graphical programming software

Antitrust

- **Title Insurance Industry Research for First American Corporation (not litigation)**
Analysis of the competitiveness of the title insurance industry in various states within the U.S.
- **Trade Service Corporation v. Material Express.com**
U.S. District Court, Southern District of California
Supported expert in analysis of claims of attempted monopolization of the collection and distribution of electrical equipment manufacturers' price and product information to electrical distributors
- **Theme Co-Op Promotions v. News America FSI**
U.S. District Court, Northern District of California
Supported expert in preliminary analysis of attempted monopolization in the free-standing insert (and associated advertising) publication/promotion industry
- **Pilgrim's Pride Corporation v. Merck/KGAA, et al.**
Assisted with analysis of allegations of price fixing

Valuation

- **Media Distribution v. Manatt Phelps & Phillips**
Arbitration
Supported expert in valuation of small media firm in case of breach of contract and legal malpractice
- **Bank Brussels Lambert v. Chase Manhattan, and Bank Brussels Lambert v. Chase Manhattan**
United States District Court, Southern District of New York
Supported experts with measurements of value of a syndicated loan to a Puerto Rican refinery over time
- **EuroPacific Parts International v. American Honda Motor Co.**
Supported expert in valuation of the effect of alleged anticompetitive behavior on sales of plaintiff

Other

- **Class Action v. Social Media Company**
U.S. District Court, Northern District of California
Worked with a quantitative marketing expert to analyze user behavior with respect to online advertisements using data on website traffic and user actions
- **State Pipe & Supply, Inc. v. Coutinho & Ferrostaal Inc.**
U.S. District Court, Central District of California
Supported expert in calculating damages in a lawsuit involving firms in the steel pipe industry

- **Television Writers Age Discrimination Lawsuit**
Collected and analyzed documents containing employee information for a major television production company
- **Internet Commerce Corp., et al. v. GE Information Services, et al. (not litigation)**
Analysis of issues related to claims of excluding a small firm from a network of Electronic Data Interchange providers. Participated in presentation before U.S. Department of Justice.
- **Marvel Enterprises v. MacAndrews & Forbes Holding, Inc.**
Supported expert in calculating the economics of net operating tax losses utilized by former parent company
- **Audit of the Restructuring Efforts of the L.A. Department of Health Services (not litigation)**
Conducted interviews and research into provision of care to low income populations and risks faced by Department of Health Services

RESEARCH

“Expert Analysis of Class Certification Issues,” Chapter in the Litigation Services Handbook: The Role of the Financial Expert, 5th Edition, 2012 (co-authored with Flavia Bainbridge, Christopher Chorba, Mark Gustafson, and Lee Heavner).

“Use of Sampling in Litigation,” Chapter in the Litigation Services Handbook: The Role of the Financial Expert, 5th Edition, 2012 (co-authored with Mark Gustafson).

“Economic Analysis of Non-Patent Intellectual Property Rights and Damage Measures,” Chapter in the Litigation Services Handbook: The Role of the Financial Expert, 5th Edition, 2012 (co-authored with Elizabeth Evans).

“Pros and Cons of Statistical Sampling,” *Law 360*, March 2011.

“The Importance of Supply-Side Effects in Antitrust Cases,” Economics Committee Newsletter, Section of Antitrust Law, American Bar Association, volume 8, number 2, Fall 2008 (co-authored with Lee Heavner).

“Predicting the Price Effect of Mergers with Polynomial Logit Demand,” (with Atanu Saha) *International Journal of the Economics of Business*, vol. 7, no. 2, 2000, pp. 149-157.

PRESENTATIONS

Several recruiting presentations to MBA students at UCLA, USC, and UC Irvine (2006 to present).

Presentation before attorneys from Rutan & Tucker, Orange County office, on the topic of “The Use of Statistical Sampling in Litigation,” March 2004.

Participation in a presentation before the U.S. Department of Justice, petitioning the DOJ to open an investigation of an instance of exclusionary conduct in the Electronic Data Interchange industry, February 27, 2002.

Western Economic Association Meetings, San Diego, CA. July 7-11, 1999, “The Price Effect of Mergers in a Differentiated Product Market,” (joint with Atanu Saha).

Atlantic Economic Association Meetings, Philadelphia, PA. October 10-12, 1997, “Constrained Consumer Lending: Exploring Business Cycle Patterns Using the Survey of Consumer Finances” (joint with Giovanni Ferri).

AWARDS, HONORS, AND MEMBERSHIPS

Princeton University Fellowship, September 1993 – June 1997

Cum Laude Graduate, Pomona College

Pomona Scholar, Sophomore Year, Pomona College

Member, American Statistical Association, American Economic Association, American Bar Association, Los Angeles County Bar Association