

REPRESENTATIVE SAMPLING OF EXPERT WITNESS MATTERS

Case Summary - Court Testimony in Los Angeles Superior Court. This matter involved the valuation of land under an existing high-rise medical office building located in Westwood, for the purpose of establishing a rental escalation under an existing ground lease. Three MAI appraisers had been appointed to value the land by jointly co-authoring a single appraisal report with which all parties concurred. The land owner and the building owner each selected one appraiser, and the two appraisers jointly selected the third appraiser. The co-authored report had already been prepared and accepted by the court.

I was brought into the case by a lender who had taken over the building owner's position. My task was to form an opinion regarding whether the co-authored report had been prepared in such a faulty manner that it should not be relied upon by the court, in spite of the fact that three MAI appraisers and a prior court had already accepted the report as reasonable.

By focusing on the issue of Highest and Best Use, I was able to determine and convince the court that the methodology used in the prior appraisal was sufficiently incorrect that the appraisal should be thrown out, and that a new appraisal should be ordered. My testimony in this matter (direct and cross examination) lasted approximately one week.

Client Contact - Tom Arthur - Frandzel and Share 213-852-1000

Case Summary - Court Testimony in Los Angeles Superior Court. This matter involved the valuation of a 20-unit apartment building in the Hollywood area of Los Angeles, for use in a specific performance proceeding. I was retained by a prospective buyer of the subject property, who was suing for specific performance on a purchase contract. The property owner presented evidence of several offers on the subject property that were in excess of my opinion of Market Value. There were issues of diminution in value and cost-to-cure. Ultimately, after several days of direct testimony and cross-examination, the court concluded to a value of the property that approximated my opinion of value.

Client Contact – Lou Lipofsky – Lipofsky and Ruben - 310-282-9100

Case Summary - Court Testimony in Federal Bankruptcy Court. This matter involved the valuation of a retail shopping center located in Corona, for use in Bankruptcy proceedings. I was retained by a lender who was trying to obtain relief from stay of foreclosure proceedings. The property owner had hired an appraiser who concluded to a value that was far in excess of my opinion of the Market Value of the property. There were a variety of unique characteristics to the property and the marketplace, which made the analysis of the subject property challenging. Ultimately, after several days of direct testimony and cross examination, the court concluded to a value of the property that approximated my opinion of value.

Client Contact - Howard King - King, Purtich and Holmes - 310-282-8999

Case Summary - Arbitration Testimony in JAMS. This matter involved the valuation of land under a high-rise medical office building located in Encino, for the purpose of establishing a rental escalation under an existing ground lease. I was retained by the building owner and their lender to value the land under a specific interpretation of the language of the ground lease. The legal position taken by my client was that the land was to be valued based on its restricted use for office building development, rather than its Highest and Best Use, which was for retail development. My valuation analysis therefore was based on that restricted premise regarding the use of the land. My testimony (direct and cross examination) in the arbitration hearing lasted one day. Ultimately, the court did not accept the underlying legal interpretation of the lease, which formed the basic premise for my assignment.

Client Contact - Perry Mocciarro - Cox, Castle and Nicholson - 310-284-2234

Case Summary - Assistance in Deposing Opposing Expert. This matter involved the valuation of several industrial properties located in Santa Clarita. I was retained by counsel for the lender to develop an opinion of value, and to assist counsel in the deposition of the MAI appraiser who was the expert witness for the property owner. During the deposition of the opposing expert, we were able to identify a number of flaws in the valuation analysis of the opposition. The case ultimately settled.

Client Contact - Robb Strom - Frandzel and Share - 213-852-1000

Case Summary - Assistance in Negotiations With the IRS. This matter involved the valuation of a unique single family residence located on 18 acres of hillside land in Glendora. I was retained by counsel for the estate of the deceased owner of the subject property. The estate was involved in protracted negotiations with the IRS regarding the value of this property, for estate tax purposes. Our position was that the surrounding hillside land could not be developed; therefore, the property had a low value. The IRS took the position that the land could be developed into a residential subdivision; therefore, the property had a high value. Given that this was a negotiation rather than a trial setting, our intent was to prove our position, without alienating or embarrassing the opposition, since that would be destructive to other portions of the negotiations.

Our approach was to work with the opposition in a cooperative manner, and to lead them carefully along the road of discovery that would prove our basic premise, without threatening their analysis or methodology. This approach involved retaining additional experts in the matters of engineering feasibility and entitlements. Ultimately, the IRS understood our position, and an agreeable settlement was reached. My participation in this matter lasted over many months.

Client Contact - Karl Block - Robinson, Diamant and Brill - 310-277-7400

Case Summary - Rebuttal Testimony in Federal Bankruptcy Court. This matter involved the valuation of a retail shopping center located in the “Golden Triangle” in Beverly Hills. I was retained by counsel for the property owner, to assist them in defending the lender’s motion for relief from the automatic stay of foreclosure regarding the property.

My role in this matter was to act exclusively as a rebuttal witness, to discredit the testimony of the MAI appraiser who was the opposition’s expert witness. By carefully attacking the fundamental premises of the valuation analysis that had been presented by the opposition, I was successful in convincing the court that the value conclusion of the opposing expert was too low. My rebuttal testimony lasted over portions of two days.

Client Contact - Not Available

Case Summary - Court Testimony in Los Angeles Superior Court. This matter involved the valuation of a large parcel of vacant land located adjacent to the “Garment District” in downtown Los Angeles. My valuation analysis and testimony focused on the Highest and Best Use of the site. The unique location and physical characteristics of the subject property required a thorough analysis of the feasibility of development of the site. My direct testimony and cross examination lasted over three days.

Client Contact - Robert Friedman - formerly with Crystie and Berle - 310-471-3413

Case Summary - Court Testimony in Federal Bankruptcy Court. This matter involved the valuation of a mixed-use project located in West Los Angeles. I was retained by counsel for the lender who was trying to obtain a motion for relief from the automatic stay of foreclosure regarding the subject property. The property was a complex, mixed-use property, which had retail, restaurant, parking and banquet facility/conference center components. My testimony focused on the intricacies of the valuation of this mixed-use property type. The relief from stay was granted. My direct testimony and cross examination lasted over two days.

Client Contact - Rusty Welch - The Hastie Law Firm - 405-239-6404