

Poorti S. Marino, Ph.D.

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Professional Summary

Dr. Poorti S. Marino specializes in applied economics and statistical methods. She has extensive experience in litigation consulting. Most recently, Dr. Marino has supported an expert in a damages case, a breach of contract case, and an antitrust case in the automated slide testing industry. She has done statistical analysis for a litigation involving two telecommunications companies. She has also provided statistical sampling support on litigation matters for a Fortune 100 client. Dr. Marino has worked with various teams on projects involving antitrust issues such as market power, predatory pricing, and price fixing. She testified in a breach of contract case in front of an arbitration panel.

Dr. Marino has also been involved in business consulting projects for various industries. She has provided relevant statistical analysis for an investment management client to determine irregularities in trading behavior. She has implemented statistical tests for a large telecommunications client for regulatory reporting to the FCC. She also has evaluated fees for a large bank to assess the discrepancy between reported fees and expected fees.

Education

- Ph.D., Economics, Boston University
- B.S., Economics, Massachusetts Institute of Technology
- B.S., Political Science, Massachusetts Institute of Technology

Litigation and Consulting Experience

Litigation

- Dr. Marino is currently supporting an expert in a business interference matter for the plaintiff. The client, a financial services company, is suing a competitor for raiding its business. She is managing a team to do a thorough analysis of: compensatory lost

business damages, valuation of the business, and costs of developing proprietary software.

- Dr. Marino worked for the defendant in an antitrust lawsuit involving the slide testing industry. She assisted the expert in writing a report to demonstrate the weaknesses and methodological flaws in the opposing expert's analysis. The team was able to demonstrate that because of competition between manual and automated slide testing and because of the low barriers to entry in this industry the defendant did not have monopoly power of the type of that would allow it to increase prices significantly for a substantial amount of time.
- Dr. Marino supported an expert in a business interference lawsuit in the computer peripherals industry. She managed a team of people to help the expert's rebuttal work on a lost profits analysis. She worked directly with the expert to critique the opposing expert's work, analyze the relevant issues, prepare for trial, and develop effective strategies for testimony in front of a jury.
- Dr. Marino assisted an expert calculate damages in a medical malpractice lawsuit. The plaintiff claimed damages to a private equity fund due to the alleged wrongdoing. Damages calculations included estimating the profit sharing, bonuses, salary, and medical expenses due to the plaintiff.
- Dr. Marino was part of a team that calculated various scenarios for damages related to Medicare outlier payments in order to assist a major non-profit hospital chain in its negotiation with the Department of Justice.
- In a class action lawsuit against a Fortune 100 company in which the company allegedly created tens of thousands of fake customer invoices in an effort to incorrectly recognize revenue, Dr. Marino assisted defense counsel by designing a statistically valid sample of invoices to be tested. In addition, she assisted counsel in the deposition of the plaintiff's sampling expert.
- In an insider trading case (on behalf of the CEO of a Fortune 100 company), Dr. Marino worked with a large team of economists to help determine whether his sale of company stock had been based on material adverse non-public information. Analyses demonstrated that: (1) internal projections contemporaneous with stock sale showed that company had been on target to meet its earnings forecasts for the quarter and (2) these earnings projections had been conservative in the past.
- In a case in which the client needed to assess the impact of a failure to file for more than 50 Section 10 b-5 securities class action cases across more than 30 mutual funds, Dr. Marino was part of a team that used the customer's detailed transaction data and a custom class action settlements database to isolate potential cases of failure to file. The team identified cases that had purchase activity within the class period, calculated the value of potential claims for cases where the client did not file for inclusion in the class based on damages rules in settlement notices, and estimated the value of potential claims by case, by fund, by fund family, and in aggregate.

- Dr. Marino was designated as an expert in a breach of contract case involving an art dealer franchise and a wholesale distributor. She testified in front of an arbitration panel.
- In a 10b-5 investigation involving allegations of improper revenue recognition and capitalization of costs against a defense contractor, Dr. Marino was part of a team that developed a statistical sampling methodology used to select accounting records. The sample was used to inspect underlying accounting records, analyze sample results and communicate findings to the company's audit committee.
- Dr. Marino worked with a team of economists to help a financial institution calculate damages under various scenarios of potential market timing activity.
- In a breach of contract case, Dr. Marino assisted an expert in calculating damages by valuing stock options.
- Dr. Marino led a team in analyzing trading patterns of an investment analyst to test for potential improprieties in trading behavior.
- Dr. Marino has worked on a case involving an insurance claim by a large steel manufacturer for lost sales resulting from a plant burning down. She aided the expert in developing a model to forecast sales and estimate damages.
- Working with defense counsel, she was the lead manager in a price fixing case involving the pharmaceutical industry. She performed data analysis to demonstrate lack of evidence of price fixing based on large variation in prices. She also investigated class certification issues for this matter. In addition, she helped the attorneys identify experts in relevant industries.
- Dr. Marino worked for defense counsel in a breach of contract case. She helped the expert draft a report to show lack of evidence of patent infringement. She used available data to demonstrate that the plaintiff's product and defendant's product were not substitutes.
- Dr. Marino worked for Continental Airlines in a predatory pricing case against American Airlines. She performed analysis using pricing data from American Airlines' SABRE system to test for predatory pricing behavior by American Airlines in certain markets.
- Dr. Marino worked for an oil company in a price discrimination case. She analyzed pricing data to test for evidence of price discrimination.
- Dr. Marino performed data analysis using Nielsen ratings and advertising data to test for the NBA's market power in the negotiation of television contracts.
- Dr. Marino provided research support to show lack of monopoly power for a company in the media industry.

Employment Matters

- Dr. Marino led a team in a wage and hour matter involving missed meal breaks and overtime payments for allegedly misclassified workers. She helped the client construct but-for scenarios and alternate damages calculations.
- Dr. Marino assisted a client respond to an OFCCP investigation into hiring practices and racial discrimination issues. She led the team in determining the relevant statistical analyses and the potential damages calculations. She helped the client address the outstanding issues in a meeting with the OFCCP.
- In a wage and hour case (meal and rest breaks), Dr. Marino led a team in the calculation of damages.
- In a wage and hour case (overtime and misclassification of workers), Dr. Marino led a team of economists in assisting the expert in performing the relevant statistical analysis and calculation of damages.
- In a wage and hour case (meal and rest breaks), Dr. Marino assisted the expert in performing the relevant statistical analysis and calculation of damages.

Business Consulting

- For an investment asset management company, Dr. Marino managed a team of economists that assisted the company in evaluating its trade and IPO allocation data for 5 years. Dr. Marino worked with account-level, daily transactions data to evaluate whether there were patterns in trading behavior that required further investigation.
- A major medical device company needed to estimate potential mis-billing of a major buyer of its maintenance services in a pool of approximately 500,000 medical devices. Dr. Marino helped develop a stratified random sampling framework to draw a statistically valid sample of devices to estimate potential mis-billing, reasonable sample size so as to avoid time-consuming and costly audits of every contract at completion. In addition, she estimated potential mis-billing using multiple estimators to provide additional 'benchmarks' for mis-billing estimates. She also analyzed and evaluated scenarios of estimated mis-billing generated by opposing experts.
- A major clothing manufacturer that had collected survey data from its factories globally on the potential environmental, safety and health issues those factories were facing needed assistance in collating and interpreting the data and results. Dr. Marino helped the client in recognizing the statistical and data issues at hand.
- For a wireless provider in India, Dr. Marino drafted a research paper that discussed the mechanism design used by the FCC in auctioning off spectrum rights in the US telecommunications industry. The purpose of the analysis was to determine the impact of a change in the bidding process for the right to provide wireless service on the incumbent provider.

- Dr. Marino led a project for a large private bank to help determine the source of the shortfall in fees in the bank's private asset management group. The data used were account level and CUSIP level data over a number of years.

Telecommunications Industry

- For a large telecommunications client, Dr. Marino assisted in preparing statistical reports for reporting of performance measures to the FCC. Her work involved use of large datasets to determine competitive behavior by the client. She helped the client identify data problems and potential issues.
- For a large telecommunications client, Dr. Marino performed relevant data and statistical analysis for calculating damages in a litigation matter involving alleged improper billing.

Professional Experience

- Advanced Analytical Consulting Group, Inc., San Francisco, CA, Principal, Jan 2009 – present
- Deloitte Financial Advisory Services LLP, San Francisco, CA, Senior Manager, 2003-2008
- Deloitte & Touche LLP, Boston, MA, Manager, 2002-2003
- Arthur Andersen, Boston, MA, Manager, 1999-2002
- Boston University, Economics Department, Boston, MA, Research Assistant and Teaching Assistant, 1993-1999
- Charles River Associates, Boston, MA, Research Associate, 1991-1993

Publications and Presentations

- Poorti Marino, "Technological Specialization in International Patenting." with Jonathan Eaton, Robert Evenson, Samuel Kortum and Jonathan Putnam. In "Development, Duality, and the International Economic Regime: Essays in Honor of Gustav Ranis." The University of Michigan Press. 1999.
- Poorti Marino, "The Indian Pharmaceutical Industry: Exports and GATT", presentation at NEUDC, Fall 1999.

Expert Testimony

- Family Lightpost Inc., vs. Media Arts Group, 2004, Deposition and Testimony before Arbitration Panel, Breach of Contract.

Panel Presentations

- Deloitte's Women's Initiative, Morrison & Foerster, San Francisco, CA; November 2008
- Using Experts in Wage and Hour Litigation, Miami, FL; American Conference Institute's 6th National Forum on Wage and Hour Litigation; May 2008
- Using Experts in Wage and Hour Litigation, San Francisco, CA; American Conference Institute's 5th National Forum on Wage and Hour Litigation; October 2007
- Conflicts of Interest for Hedge Funds and Prime Brokers, San Francisco, CA; Roundtable Panel with Kirkpatrick & Lockhart Preston Gates; May 2007
- Women in Professional Service Firms: Retaining and Advancing a Diverse Team, Morgan Lewis & Bockius LLP, San Francisco, CA; May 2007
- SHARING BEST PRACTICES: Women in Professional Service Firms Discuss Work/Life Balance, Wilson Sonsini Goodrich & Rosati, Palo Alto, CA; May 2006
- Women in Leadership: Insights into Career/Family Balance, Berkeley Haas School of Business, Berkeley, CA; February 2006