

**MARK P. BERKMAN**  
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Mark.Berkman@brattle.com

Dr. Mark P. Berkman is an expert in applied microeconomics. His experience spans the areas of the environment, energy, and natural resources; environmental health and safety; labor and employment; intellectual property; antitrust; commercial litigation and damages; and public finance. He has assisted both public and private clients and provided testimony before state and federal courts, arbitration panels, regulatory bodies, and legislatures.

His environmental work has involved the review of proposed air, water, solid waste, and worker and product safety regulations. Dr. Berkman has quantified the costs and benefits of these regulations, as well as toxic tort and product liability claims. In addition, he has valued natural and water resources as well as property damages associated with pollution from Superfund sites, landfills, and power plants.

His work on energy matters includes the valuation of coal resources, power plants, and transmission rights-of-way. He has also prepared energy demand and price forecasts. He has extensive experience working with Native American tribes on energy valuation matters.

Dr. Berkman has also been involved in several Lanham Act cases where he has determined the value of consumer product characteristics. The products include food, wine, electronic devices, cosmetics, and software. Clients in a variety of industries ranging from computer chip to shoe manufacturers have sought Dr. Berkman's assistance to value patents, trade secrets, and trademarks. He has also been called on to address questions of market power in antitrust proceedings in a variety of industries including solid waste, computer manufacturing, and medical devices. He has testified regarding market definition and market power and participated in Hart-Scott-Rodino proceedings.

Dr. Berkman also has substantial experience in labor and discrimination litigation. He has conducted statistical analyses of alleged discrimination in hiring, promotion, pay, and contracting, and completed damage analyses regarding these allegations. He has also conducted statistical analyses regarding mortgage lending discrimination.

Prior to joining Brattle he was a co-founder and director at Berkeley Economic Consulting and a vice president at both Charles River Associates and NERA Economic Consulting.

## AREAS OF EXPERTISE

- Antitrust/Competition

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- Commercial Damages
- Environmental Litigation and Regulation
- Intellectual Property
- Product Liability
- Utility Regulatory Policy and Ratemaking
- Employment and Discrimination

**EDUCATION**

- University of Pennsylvania, Wharton School – Ph.D. in Public Policy Analysis – Managerial Science and Applied Economics
- Harvard University – M.A. in Planning, Policy Analysis and Administration
- George Washington University, B.A. in Economics and Urban Affairs

**EXPERIENCE**

- 2008 – 2010: Director, *Berkeley Economic Consulting*  
Responsible for managing and conducting projects in the areas of environment, energy, intellectual property, antitrust, labor, and public finance
- 2002 – 2008: Vice President, *Charles River Associates*
- 1993 – 2002: Vice President, *NERA Economic Consulting*
- 1988 – 1993: Senior Consultant, *NERA Economic Consulting*
- 1984 – 1988: Senior Analyst, *NERA Economic Consulting*
- 1983 – 1984: Economic Analyst, *NERA Economic Consulting*
- 1980 – 1983: Research Fellow, *University of Pennsylvania*
- 1977 – 1980: Associate Budget Analyst, *Congressional Budget Office*
- 1976 – 1977: Teaching Assistant, *Harvard University*
- 1975 – 1976: Research Assistant, *The Urban Institute*
- 1973 – 1975: Staff Assistant, *United States Congress, Office of Congressman Charles Vanik*

**PROFESSIONAL AFFILIATIONS**

- American Economic Association
- Association for Public Policy Analysis and Management

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- Association of Environmental and Resource Economists
- Western Economic Association

**PUBLICATIONS**

- “Electricity-Water Nexus: Is a Crisis Imminent?” *Water Policy*. Publication pending.
- “Reply to Comment on Effect of Coal-fired Power Generation on Visibility at a Nearby National Park.” *Atmospheric Environment*, 55 (2012) 297-298.
- “The Adverse Impact of Particulate Matter on Property Values.” With Kyle Hubbard and Timothy Savage. *International Real Estate Review*, available online at [http://www.umac.mo/fba/irer/forth/irer\\_forth\\_IR1143%20.html](http://www.umac.mo/fba/irer/forth/irer_forth_IR1143%20.html).
- “Effect of Coal-Fired Power Generation on Visibility in a Nearby National Park.” With Jonathan Terhorst. *Atmospheric Environment*, 44 (2010) 2524-2531.
- “Estimating Toxic Tort and Environmental Damages.” With Gordon Rausser in Earl Hagstrom, editor, *Perchlorate, A Scientific, Legal, and Economic Assessment*, Tucson, AZ, Lawyers and Judges Publishing Co., March 2006.
- “The Airline Crisis and Labor: Negotiations Will Play a Key Role.” With Mark Kiefer and Robert Litan. TNR/ON, *The New Republic*, June 13, 2005, pp. 5–8.
- “What’s Wrong with America’s Airlines, and How Can It Be Fixed?” With Mark Kiefer and Robert Litan. TNR/ON, *The New Republic*, May 16, 2005, pp. 3–6.
- “Valuing Intellectual Property Assets for Licensing Transactions.” *The Licensing Journal*, Vol. 22, No. 4, April 2002.
- “Where is the Market Failure? A Review of OSHA’s Economic Analysis for Its Proposed Ergonomics Standard.” With Jesse David. *Journal of Labor Research*, Vol. XXII, No. 1, winter 2001.
- “Water Subsidies in Southern California: Do They Exist and Have They Contributed to Urban Sprawl? A Comment on an Article by Steven Erie and Pascale Joassart-Marcelli.” With Jesse David. *California Western Law Review*, Vol. 37, No. 1, fall 2000.
- “Complying with New Rules for Controlling Nitrogen Oxides Emissions.” With Jonathan Falk and John Wile. *The Electricity Journal*, January-February 2000, pp. 40–50.
- “The Regional Costs and Benefits of Acid Rain Control.” Dissertation, University of

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Pennsylvania, May 1991.

- “Valuing Flexibility in Utility Planning Using Dynamic Programming.” With J. Falk. *EPRI Proceedings from Conference on Decision Support Methods for the Electric Power Industry*, Cambridge, Mass., May 1990.
- “Environmental Regulation Will Affect Electric Utility Fuel Consumption Patterns.” *Energy*, August 1989.
- “Equal Time: Dunbar & Berkman Reply.” A reply to M. Crew and P. Kleindorfer, “Landfill Tipping Fees Should Be Much Higher,” *Waste Age*, February 1988, p. 134.
- “The Underpricing of Landfills.” With Fred Dunbar. *Viewpoint*, summer 1987, pp. 25–33.
- “Sanitary Landfills Are Too Cheap!” With Fred Dunbar. *Waste Age*, May 1987.
- “Regional Economic Trade-offs in Sulfur Emissions Control Policy.” With P. Blair. *Geographic Dimensions of Energy*, F. Calzonetti and B. Solomon, Dordrecht Holland: D. Reidel Publishing Co., 1985.
- “Regional Impacts of Federal Coal Policy.” With P. Blair. *International Journal of Energy Systems*, Vol. 4, No. 2, 1984.
- “Multiregional Analysis of Federal Coal Policy.” With P. Blair. *Journal of Resource Management and Technology*, Vol. 12, No. 2, April 1983.
- “Energy Development, Local Growth and the Federal Role.” Congressional Budget Office, Working Paper, Washington, D.C.: Government Printing Office, 1980.
- “The World Oil Market in the 80s: Implications for the United States.” With E. Erlich. Congressional Budget Office, Washington, D.C.: Government Printing Office, 1980.
- “An Evaluation of the Strategic Petroleum Reserve.” With B. Holt. Washington, D.C.: Government Printing Office, Committee Print 96 IFC, June 1980.
- “The Budgetary, Economic, and Energy Implications of Alternative Synthetic Fuel Proposals.” *Synthetic Fuels Report by the Subcommittee on Synthetic Fuel of the Committee on the Budget*, United States Senate, Washington, D.C.: Government Printing Office, September 1979.
- *Energy Conservation in Maine: Weatherization Improvements to the Existing Housing*

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1        *Stock*. Cambridge, Mass., Harvard University, June 1977.

- 2        • *An Evaluation of Solid Waste Disposal Options for Rockport, Massachusetts*. Cambridge,  
3        Mass., Harvard University, February 1977.
- 4        • “New Evidence on Racial Differences in Commuting Behavior.” With J. Goodman.  
5        *Journal of Public Data Use*, Vol. 5, No. 4, 1977.

6        **TESTIMONY AND REPORTS**

7        **Environment, Energy, and Natural Resources**

- 8        • “Analysis for the Boston 2024 Proposed Summer Olympic Plans,” with Coleman  
9        Bazelon, Steve Herscovici, and Pallavi Seth. Prepared for the Commonwealth of  
10       Massachusetts Office of the Governor, President of the Senate, and Speaker of the House.  
11       August 17, 2015.
- 12       • “The Nuclear Industry’s Contribution to the U.S. Economy,” with Dean Murphy.  
13       Prepared for Nuclear Matters, July 2015.
- 14       • Deposition Testimony of Dr. Mark Berkman in the matter of The Chickasaw Nation and  
15       The Choctaw Nation v. United States Department of the Interior, *et al.*, United States  
16       District Court for the Western District of Oklahoma, No. Civ. 05-1524-W, on behalf of  
17       plaintiff’s breach of trust claims, May 8, 2015.
- 18       • Deposition Testimony of Dr. Mark Berkman in the matter of Briggs, et.al vs. Freeport  
19       McMoran, et.al, United States District Court for the Western District of Oklahoma, Case  
20       No. 13-cv-1157-M, on behalf of plaintiffs regarding class certification, April 8, 2015.
- 21       • “Surviving the Storm,” with Bay Area Council Economic Institute, March 2015.
- 22       • Declaration of Dr. Mark Berkman in the matter of Briggs, et.al vs. Freeport McMoran,  
23       et.al, United States District Court for the Western District of Oklahoma, Case No. 13-cv-  
24       1157-M, on behalf of plaintiffs regarding class certification, February 23, 2015.
- 25       • Expert Report of Mark P. Berkman, PhD on behalf of The Chickasaw Nation and The  
26       Choctaw Nation v. United States Department of the Interior, *et al.*, United States District  
27       Court for the Western District of Oklahoma, No. Civ. 05-1524-W, on behalf of plaintiff’s  
28       breach of trust claims, January 15, 2015

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- 1 • “Comments on the Draft Amendments to the Statewide Water Quality Control Plans to  
2 Control Trash: The Role Polystyrene Bans,” with David Sunding. Prepared for Dart  
3 Container Corporation. August 5, 2014.
- 4 • “A Learning Investment-based Analysis of the Economic Potential for Offshore Wind:  
5 The case of the United States,” with Jurgen Weiss and Mark Sarro. Prepared for the  
6 Center for American Progress, the US Offshore Wind Collaborative, the Clean Energy  
7 States Alliance, and the Sierra Club. February 28, 2013.
- 8 • Expert Witness Report of Mark P. Berkman in C&A Carbone, Inc. et al v. The County of  
9 Rockland et al. New York Southern District Court 7:08-cv-06459-KMK, on behalf of  
10 plaintiff regarding the interstate nature of waste and recyclable materials, December 17,  
11 2012.
- 12 • “The Employment Impacts of Proposed Tariffs on Chinese Manufactured Photovoltaic  
13 Cells and Modules.” With Lisa Cameron and Judy Chang. Prepared for the Coalition for  
14 Affordable Solar Energy, January 30, 2012.
- 15 • “Employment Impacts of the Proposed Bay Delta Conservation Plan Habitat Restoration  
16 Measures.” With David Sunding. Prepared for the Delta Habitat Conservation and  
17 Conveyance Program, November 3, 2011.
- 18 • “Economic and Fiscal Impacts of the Alta Wind Energy Center.” With Michelle Tran and  
19 Kyle Hubbard. Prepared for Alta Windpower Development, LLC, October 20, 2011.
- 20 • “Employment Impacts for Proposed Bay Delta Water Conveyance Tunnel Options.”  
21 With David Sunding and Michelle Tran. Prepared for the Metropolitan Water District of  
22 Southern California on behalf of the Delta Habitat Conservation and Conveyance  
23 Program, September 19, 2011.
- 24 • “Economic Analysis of SB568’s Proposed Polystyrene Ban.” With David Sunding.  
25 Prepared for Dart Container Corporation, August 15, 2011.
- 26 • Deposition Testimony of Mark P. Berkman on behalf of the West Bay Sanitary District in  
27 the matter of *San Francisco Baykeeper v. West Bay Sanitary District*, United States  
28 District Court for the Northern District of California, Case No. cv-09-5676-EMC,  
29 regarding water pollution damages, July 28, 2011.
- 30 • Rebuttal Expert Report of Mark P. Berkman on behalf West Bay Sanitary District in the  
31 matter of *San Francisco Baykeeper v. West Bay Sanitary District*, United States District  
32 Court for the Northern District of California, Case No. cv-09-5676-EMC, regarding water  
33 pollution damages, June 2011.

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- 1 • “Economic and Fiscal Impacts of the Desert Sunlight Solar Farm.” With Michelle Tran  
2 and Wesley Ahlgren. Prepared for First Solar, May 2011.
- 3 • “Economic and Fiscal Impacts of the Topaz Solar Farm.” With Michelle Tran and  
4 Stephen Hamilton. Prepared for First Solar, March 2011.
- 5 • Rebuttal Testimony of Mark P. Berkman and David L. Sunding in the Matter of the  
6 Application of California American Water Company (U 210 W) for a Certificate of  
7 Convenience and Necessity to Construct and Operate its Coastal Water Supply Project to  
8 Resolve the Long-Term Water Supply Deficit in its Monterey District and to Recover all  
9 Present and Future Costs in Connection Therewith in Rates, Application 04009-019, on  
10 behalf of the Marina Coast Water District regarding the benefits of a regional water  
11 supply project, May 27, 2010.
- 12 • Declaration of Mark P. Berkman, PhD in Support of Real Party in Interest Potrero Hills  
13 Landfill, Inc.’s Memorandum of Points and Authorities in Opposition to Petition for Writ  
14 of Mandate, Sierra Club vs. County of Solano: Board of Supervisors of Solano County:  
15 and Does 1-10, Superior Court of the State of California, County of Solano, Case No.  
16 FCS034073, regarding the interstate nature of waste disposal, December 9, 2009.
- 17 • Direct Testimony of Mark P. Berkman and David L. Sunding in the Matter of the  
18 Application of California American Water Company (U 210 W) for a Certificate of  
19 Convenience and Necessity to Construct and Operate its Coastal Water Supply Project to  
20 Resolve the Long-Term Water Supply Deficit in its Monterey District and to Recover all  
21 Present and Future Costs in Connection Therewith in Rates, Application 04009-019, on  
22 behalf of the Marina Coast Water District regarding the benefits of a regional water  
23 supply project, June 24, 2009.
- 24 • Deposition Testimony in the matter of *Watkins & Shepard Trucking vs Soco West, Inc.*,  
25 Superior Court of the State of California for the County of Los Angeles –Central District,  
26 Case No. BC379287, on behalf of defendants regarding the influence of environmental  
27 risk on real estate price, September 9, 2008
- 28 • Deposition testimony, In Re Mt. Konocti Mutual Water Company, Inc, Official  
29 Committee of Unimproved Lot Owners vs. Mt Konocti Mutual Water Company, Case  
30 No. 90-11573, regarding water connection fee methodology on behalf of defendants,  
31 January 14, 2008.
- 32 • Declaration, In Re Mt. Konocti Mutual Water Company, Inc, Official Committee of  
33 Unimproved Lot Owners vs. Mt Konocti Mutual Water Company, Case No. 90-11573,  
34 regarding water connection fee methodology, on behalf of defendants, January 4, 2008.



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- 1 • Hilmar Supplemental Environmental Project, Managing Salt in the Central Valley,  
2 submitted to the California Regional Water Quality Control Board, Central Valley  
3 Region in compliance with Order No. R5-2006-0025, with David Sunding and Yoram  
4 Rubin, November 16, 2007.
- 5 • Measures to Reduce the Economic Impacts of a Drought-Induced Water Shortage in the  
6 San Francisco Bay Area for the San Francisco Public Utilities Commission with David  
7 Sunding, Robert Gamble, and Sean Randolph, May 3, 2007.
- 8 • Analysis of the Economic Impacts of a Shutdown of Limestone Mining in Florida's Lake  
9 Belt District on behalf of the Miami Dade Limestone Products Association with Ann  
10 McDermott, March 21, 2007.
- 11 • Valuation of Hells Canyon Jet Boat Outfitters and the Impact of the River Flow  
12 Restrictions on behalf of Idaho Power Corp., April, 2006.
- 13 • Expert Testimony in the matter of *Quality Control Services, Inc. v. Dougherty County*,  
14 United States District Court for the Middle District of Georgia Albany Division, Case no.  
15 1:05 CV-19 (WLS) on behalf of plaintiffs regarding the Pike Balancing test, 2006.
- 16 • Deposition Testimony in the Matter of *Corbitt v. American Furniture Manufacturing Inc.*  
17 *and W.S. Bradcock Corporation*, United States District Court, Middle District of  
18 Alabama Civil Action 2:05CV58-T, on behalf of defendants regarding product liability,  
19 November 18, 2005.
- 20 • Expert Report and Direct Testimony of Mark Berkman and David Sunding in the matter  
21 of Hilmar Cheese Company Inc., Hilmar Whey Protein Inc., California Regional Water  
22 Quality Control Board Central Valley Region, ACL Complaint No. R5-2005-0501,  
23 August 2005.
- 24 • Economic Impacts of Critical Habitat Designation for Vernal Pool Species, prepared for  
25 the U.S. Fish and Wildlife Service, U.S. Department of Interior with David Sunding, June  
26 25, 2005.
- 27 • "Environmental liability forecasts regarding manufactured gas plant sites for Pacific Gas  
28 & Electric," September 2004. (Confidential)
- 29 • Expert Report of Mark Berkman in the matter of *BFI Waste Systems of North America,*  
30 *Inc. v. City and County of Denver and Waste Management of Colorado, Inc.* on behalf of  
31 the plaintiff. Filed in the United States District Court for the District of Colorado. August  
32 30, 2004.



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- 1 • Expert report in the matter of *United Haulers Association, Inc. et al. v. Oneida-Herkimer*  
2 *Solid Waste Management Authority, County of Oneida and County of Herkimer* before  
3 the U.S. District Court for the Northern District of New York. Performed an analysis on  
4 behalf of the plaintiffs of the solid waste flow control laws enacted by Oneida and  
5 Herkimer Counties, New York. November 15, 2002.
- 6 • “Forecast of Environmental Remediation Liability for Pacific Gas & Electric.” With  
7 Gordon Rausser, October 10, 2002.
- 8 • “The Economic Impacts of Closing the Canton Mill.” With Burton Griffith. Prepared for  
9 Blue Ridge Paper Products, Inc., June 1, 2001.
- 10 • “Estimates of Environmental Risk Associated with the BMI Site.” Prepared for Marsh &  
11 McLennan, March 2000.
- 12 • “The Effect of CO2 Reduction Policies on the Canadian Electricity Industry and  
13 Economy.” Prepared for ATCO Electric, EPCOR, New Brunswick Power, Nova Scotia  
14 Power, Ontario Power Generation, Saskatchewan Power and TransAlta Utilities, July 5,  
15 1999.
- 16 • “The Economic Impacts of Policies to Reduce Alfalfa Water Consumption.” Report,  
17 prepared for Natural Resources Defense Council, October 12, 1998.
- 18 • “Market Opportunities for Environmental Remediation and Site Management” Report  
19 prepared for Pacific Corp, 1998.
- 20 • “Comments on CalFed’s Draft EIS of March 1998.” Prepared for Save San Francisco  
21 Bay Association, June 30, 1998.
- 22 • “Evaluation of Tax Claim Against the State of Montana.” Prepared for the Fort Peck  
23 Reservation, September 18, 1997. (Confidential)
- 24 • Deposition Testimony on behalf of homeowners in Benicia, California, regarding  
25 property value diminution in *Lagrimas v. Southhampton et al.*, September 1997.
- 26 • Testimony before the Trade Waste Commission, City of New York on behalf of the New  
27 York City Economic Development Commission, regarding maximum rate regulation of  
28 commercial waste collection, January 21, 1997.
- 29 • “Costs and Benefits of the Proposed Enclosed Unloader at the Fresh Kills Landfill.”  
30 Prepared for the New York City Law Department, December 1996.

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- 1 • Deposition Testimony on behalf of Browning-Ferris Industries, in the matter of *W.J.*  
2 *Curry & Son v. Velsicol Chemical Co. v. Kraft et al.* regarding the allocation of  
3 Superfund remediation costs, July 12, 1996.
- 4 • “Estimating Employment Effects of Electric Price Increases in U.S. Manufacturing  
5 Industries and Assessing Such Effects in New Jersey.” Prepared for Jersey Central Power  
6 & Light, June 28, 1996.
- 7 • “Estimate of Employment Effects of Electric Price Increases in U.S. Manufacturing  
8 Industries and Assessing Such Effects in Maryland.” Prepared for Allegheny Power,  
9 Maryland, June 17, 1996.
- 10 • Rebuttal Testimony on behalf of Central and South West Energy, Inc. in the matter of  
11 Application No. 93-2, CSW Energy, Inc. and KVA Resources, Inc., Northwest Regional  
12 Power Facility, Before the State of Washington Energy Facility Site Evaluation Council  
13 regarding the costs and benefits of controlling residual NOx and CO emissions and CO2  
14 emissions at a proposed natural gas-fired power plant in Washington, October 1995.
- 15 • Affidavit on behalf of the New York City Law Department, in the matter of the  
16 Application of New York City Department of Environmental Protection for Renewals of  
17 the State Pollutant Discharge Elimination System Permits for New York City’s 14  
18 Publicly Owned Treatment Works regarding the costs and benefits of proposed pollution  
19 control investments, August 24, 1995.
- 20 • “The Cost of Flow Control.” Prepared for Browning-Ferris Industries, May 3, 1995.
- 21 • “Economic Impacts of VOC Emission Reductions Beyond the 15% Plan in the Cincinnati  
22 CMSA.” Prepared for Cincinnati Gas & Electric, April 27, 1995.
- 23 • Prefiled Rebuttal Testimony before the Montana Public Service Commission, on behalf  
24 of the Montana Power Company, Docket No. 94.8.30, regarding affiliated coal prices,  
25 January 13, 1995.
- 26 • Prefiled Direct Testimony before the Montana Public Service Commission, on behalf of  
27 the Montana Power Company, Docket No. 94.8.30, regarding affiliated coal prices,  
28 August 22, 1994.
- 29 • “Water Quality Benefits of Floatable Reduction in the New York Bight.” Expert Witness  
30 Report and Testimony on behalf of the New York City Law Department before the State  
31 of New York Department of Environmental Conservation in the Matter of the  
32 Application of The New York City Department of Environmental Protection for  
33 Renewals for the State Pollutant Discharge Elimination System (SPDES) Permits for

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1 New York City's 14 Publicly Owned Sewage Treatment Works. DEC No. 0026131,  
2 April 27, 1994.

- 3 • "Comments Regarding Water Pricing and Water Markets Under the Reclamation Reform  
4 Act of 1982," to the U.S. Bureau of Reclamation on behalf of the Natural Resources  
5 Defense Council, March 14, 1994.

- 6 • "Initial Comments of National Economic Research Associates, Inc. on Florida DSM  
7 Employment Impacts," prepared with J. Landon and P. Griffes for Florida Power & Light  
8 Company, January 1994.

- 9 • Rebuttal testimony before the Montana Public Service Commission on behalf of the  
10 Montana Power Company, Docket No. 93.6.24, regarding affiliated coal prices, October  
11 15, 1993.

- 12 • Declaration on behalf of the Hacienda Improvement Association before the Superior  
13 Court of the State of California, Case No. BS 021186, *Hacienda La Puente Unified*  
14 *School District of Los Angeles County, et al. v. County of Sanitation District No. 2 of Los*  
15 *Angeles County, et al.*, regarding solid waste disposal capacity in Los Angeles, October  
16 14, 1993.

- 17 • "A Review of Environmental Damage Studies." Prepared for Ontario Hydro, October  
18 1993.

- 19 • Direct prefiled testimony before the Montana Public Service Commission on behalf of  
20 the Montana Power Company, Docket No. 93.6.24, regarding affiliated coal prices, June  
21 21, 1993.

- 22 • "Environmental Externalities Briefing Book." Prepared for Florida Power & Light  
23 Company, April 17, 1993.

- 24 • "External Costs of Electric Utility Resource Selection in Nevada." Prepared with D.  
25 Harrison, Jr., A. Nichols, and S. Bittenbender for Nevada Power Company, March 1993.

- 26 • "The Economic Impacts of AOX Reduction on the U.S. Pulp and Paper Industry."  
27 Sponsored by Georgia-Pacific Corporation, October 22, 1992.

- 28 • "Appraisal of the 107th Meridian Strip Coal Reserves." Prepared for the Crow Indian  
29 Tribe, July 1992.

- 30 • "Carbon Tax Impacts on Coal Production and Rail Shipments." Prepared with John Wile  
31 for Association of American Railroads, May 1992.

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- 1 • “Socio-Economic Impacts of Strategies to Comply with the Clean Air Act Amendments  
2 of 1990.” Prepared for The Cincinnati Gas & Electric Company Licensing and  
3 Environmental Affairs Department, May 1992.
- 4 • “The Environmental and Social Costs Associated with Wood Roof Removal  
5 Legislation.” Prepared with Clayton Environmental Consultants for Steel Roofing  
6 Manufacturers’ Association, February 1992.
- 7 • “The Economic Feasibility of VOC Control Technologies for the Wood Furniture and  
8 Cabinet Industries.” Prepared for the American Furniture Manufacturers Association,  
9 Business and Institutional Furniture Manufacturers Association, Kitchen Cabinet  
10 Manufacturers Association, National Paint and Coatings Association, January 1992.
- 11 • Rebuttal testimony before the Texas Public Utility Commission on behalf of Houston  
12 Lighting and Power, Docket No. 10473, regarding the treatment of environmental  
13 externalities, October 4, 1991.
- 14 • “Key Issues in Least-Cost Planning.” With Kent Anderson, National Economic Research  
15 Associates, Inc. Working Paper #10, August 1991.
- 16 • “Hydroelectric Relicensing: Comparing the Value of Power and Nonpower Uses.” With  
17 Mike Rosenzweig, April 1, 1991.
- 18 • Expert testimony before the District Court of the Fifth Judicial District of the State of  
19 Idaho, *State of Idaho, ex rel. R. Keith Higginson v. United States, State of Idaho, et al.*,  
20 Case No. 39576, on behalf of the United States, regarding water claims fees, February 4,  
21 1991.
- 22 • “An Evaluation of State Efforts to Incorporate Environmental Externalities Into Electric  
23 Utility Planning.” Prepared for Central Maine Power and the Energy Research Group,  
24 with John Wile, January 1991.
- 25 • Testimony before the Oregon Environmental Quality Commission, on behalf of the  
26 Oregon Department of Environmental Quality, regarding out-of-state waste charges,  
27 November 1, 1990.
- 28 • “Evaluation of Out-of-State Waste Surcharge Proposal.” Prepared for Oregon  
29 Department of Environmental Quality, October 5, 1990.
- 30 • “Environmental Regulation Beyond the Clean Air Act Amendments: Incorporating  
31 Externalities,” Prepared with John Wile for the Energy Research Group, June 26, 1990.

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- 1 • “Economic Impacts of Proposed SO<sub>2</sub> Emissions Standards on Hamilton County, Ohio.”  
2 Prepared for the Hamilton County SO<sub>2</sub> Task Force, June 1990.
- 3 • Expert testimony before the Indiana Utility Regulatory Commission on behalf of  
4 Northern Indiana Public Service Company regarding acid rain legislation and coal price  
5 forecasts, September 27, 1989.
- 6 • “Electric Utilities and the Environment in the 1990s.” Prepared with Lewis Perl for the  
7 Energy Research Group, June 20, 1989.
- 8 • “The Impact of Environmental Regulation on Electric Utility Fuel Use.” *NERA Energy*  
9 *Outlook*, Special Report, April 17, 1989.
- 10 • Affidavit for the New York City Department of Sanitation in *The Presidents’ Council of*  
11 *Trade Waste Associations, Inc., et al. v. Edward I. Koch, Mayor of the City of New York,*  
12 *et al.*, commenting on increases in waste disposal rates and methods used to determine  
13 rates, October 27, 1988.
- 14 • Determination of Market Price for Angel Mining Inc.’s and Diversified Fuels Inc.’s  
15 Contracts With Taiwan Power Company.” With Fred Dunbar and Jerry Hausman before  
16 the International Chamber of Commerce on behalf of Angel/Diversified, April 1987.
- 17 • “Economic Review of The McKinley County Coal Exchange.” With Fred Dunbar,  
18 Washington, D.C.: National Coal Association, February 1987.
- 19 • “Lessons For the Interstate Gas Pipeline Industry From Railroad Deregulation.” With  
20 Fred Dunbar, Washington, D.C.: The Interstate Natural Gas Association of America,  
21 1986.
- 22 • Testimony before the Vermont Public Service Board on capacity planning and load  
23 forecasting on behalf of Central Vermont Public Service Corporation, July 12, 1985.
- 24 • “The Economics of U.K. Coal Mining.” With S. Barrett, December 1984.
- 25 • “Pricing Solid Waste Disposal in New York City,” November 1984.
- 26 • “Risk Analysis of the Pacific Power and Light Company PCB Handling and Disposal  
27 Program.” With B. Price, October 19, 1984.
- 28 • “An Evaluation of Capacity Planning and Load Forecasting for Central Maine Power  
29 Company.” With Lew Perl and John Wile, February 17, 1984.

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- Expert Witness Report and Testimony before the United States District Court, District of Montana, on the coal severance taxes and the market for Western coal, on behalf of the Crow Indian Tribe, 1984.
- Co-author, “Solar Energy Technologies: Market Estimates and Federal R & D Payoff.” Prepared for the Energy Research Advisory Board, sponsored by the U.S. Department of Energy, 1982.
- Co-author, “Analysis of Proposed Changes to Federal Surface Mining and Coal Leasing Policy.” Final Report for the U.S. Department of Energy, October 1982.
- Co-author, “Barriers and Incentives for Fuel Cell Commercialization.” Prepared for the U.S. Department of Energy, 1981.

**Environmental Health and Safety**

- “A Review of the Pipeline and Hazardous Materials Safety Administration’s Draft Regulatory Impact Analysis. Docket No. PHMSA-2012-0082 (HM-281).” Prepared for The Railway Supply Institute, November 2014.
- “Distributed Generation Standard Contracts and Renewable Energy Fund: Jobs, Economic and Environmental Impact Study.” With Jurgen Weiss and Stephen Lagos. Prepared for Rhode Island Office of Energy Resources Commerce RI, April 30, 2014.
- Expert Report of Mark P. Berkman in the matter of *SPS Limited Partnership, LLLP et al. v. Severstal Sparrow Point, LLC et al.*, Prepared for Counsel on behalf of Arcelor Mittal USA, LLC, March 14, 2013.
- Expert Report of Mark P. Berkman in the matter of Jorge Santiago, Sr. v. Wholesale Furniture Distributors Inc., 139th District Court, Hidalgo Texas, Cause No. C-1311-07-C on behalf of defendant regarding the risks of death and injury from upholstered furniture ignited home fires, June 15, 2009.
- Expert Report of Mark P. Berkman in the matter of Price v. Price, Circuit Court of the Fifteenth Circuit in and for the County of Palm Beach Florida, Case No. 50 2007 DR1982 MBFC, regarding environmental and business risks associated with a construction and demolition landfill, December 2008.
- Expert Report of Mark P. Berkman in the matter of John Stewart Edwards v. La-Z-boy et.al, in the District Court 258th District, Polk County Texas, on behalf of defendant regarding the impact of fire safety regulations on upholstered furniture fires, May 16,

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2008.

- “An Evaluation of the CPSC Staff Preliminary Regulatory Analysis of the Draft Upholstered Furniture Flammability Standard.” on behalf of the American Home Furnishings Alliance National Home Furnishings Associations and the Upholstered Furniture Action Council, March 2, 2006.
- Deposition Testimony in the matter of Seng v. Levitz et al. in the Superior Court of the State of Washington, in and for Snohomish County, on behalf of the defendants regarding product liability. Oakland, California, August 27, 2003.
- “Assessing the Need for a Federal Small Open Flame / Cigarette Ignition Upholstered Furniture Flammability Standard.” On behalf of the Upholstered Furniture Action Council, February 16, 2001.
- “A Review of the Federal Motor Carrier Safety Administration’s Economic Analysis for its Proposed Hours of Service Standard.” Prepared for the American Trucking Associations, August 3, 2000.
- “A Review of OSHA’s Economic Analysis For Its Proposed Ergonomics Standard.” On behalf of the National Coalition on Ergonomics, February 29, 2000.
- Testimony before the U.S. House of Representatives Committee on Education and the Workforce on behalf of the American Trucking Association regarding the costs and benefits of a proposed ergonomics standard, July 1997.
- “Benefit-Cost Analysis of OSHA’s Proposed Ergonomics Standard on the Trucking Industry.” On behalf of the ATA Foundation, September 1996.
- Testimony on behalf of the Inter-Industry Wood Dust Coordinating Committee, before the Occupational Safety and Health Administration, Department of Labor, Docket No. H-020, August 12, 1988.
- “The Economic Impact of OSHA’s Proposed Air Contaminants Rule on the Wood Products Industries.” Prepared for the Inter-Industry Wood Dust Coordinating Committee, July 25, 1988.

**Labor and Employment**

- Expert Report on behalf of L-3 Communications/ L-3 on the Matter of Tanya Rahim vs. L-3 Titan Corporation regarding damages attributed to alleged wrongful injury claim,



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August 22, 2012.

- Deposition Testimony on behalf of Chevron U.S.A. Inc. in the matter of *Richard O. Jacks v. Chevron U.S.A. Inc., Paul Moran and Kevin Hofer*, United States District Court for the Northern District of California San Francisco Division, Case no. C09-4523 JSW, regarding damages attributed to alleged wrongful termination, November 15, 2011.
- Expert Report on behalf of Chevron U.S.A. Inc. in the matter of *Richard O. Jacks v. Chevron U.S.A. Inc., Paul Moran and Kevin Hofer*, United States District Court for the Northern District of California San Francisco Division, Case no. C09-4523 JSW, regarding damages attributed to alleged wrongful termination, August 23, 2011.
- Deposition Testimony on behalf of the City and County of San Francisco in the matter of *City and County of San Francisco, et al. v. United States Postal Service, et al.*, United States District Court for the Northern District of California San Francisco Division No. 3:09-cv-01964-RS (EDL), regarding costs to provide centralized service to single occupancy hotels, July 7, 2011.
- Expert Report on behalf of the City and County of San Francisco in the matter of *City and County of San Francisco, et al. v. United States Postal Service, et al.*, United States District Court for the Northern District of California San Francisco Division No. 3:09-cv-01964-RS (EDL), regarding costs to provide centralized service to single occupancy hotels, June 2011.
- Deposition Testimony in the matter of *Associated General Contractors of America v. California Department of Transportation*, United States District Court Eastern District of California No. 2:09-cv-01622-JAM-GGH, November 2010.
- Rebuttal Report in the matter of *Associated General Contractors of America v. California Department of Transportation*, United States District Court Eastern District of California No. 2:09-cv-01622-JAM-GGH, October 2010.
- Expert Report in the matter of *Associated General Contractors of America v. California Department of Transportation*, United States District Court Eastern District of California No. 2:09-cv-01622-JAM-GGH regarding the adequacy of the statistical study that supported the introduction of a race conscious contracting program by defendant, September 2010.
- Trial Testimony in the matter of *Amy Moran v. Qwest Communications et al.*, Superior Court of the State of California, City and County of San Francisco Case No. CGC08-480654 on behalf of plaintiff regarding damages attributable to alleged gender

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discrimination and sexual harassment, February 2, 2010.

- Measuring Minority- and Woman-Owned Construction and Professional Service Firm Availability and Utilization for the San Mateo County Transit District and Peninsula Joint Powers Board, with Robert Fairlie and Mathew Johnson, April 2008.
- Measuring Minority- and Woman-Owned Construction and Professional Service Firm Availability and Utilization for the Santa Clara Valley Transit Authority, with Robert Fairlie and Mathew Johnson, December 2007.
- Arbitration Testimony in the Matter of *George Santana v. The New Santana Band* on behalf of the Defendant regarding damages arising from alleged wrongful termination, February 16, 2006.
- Trial Testimony in the Matter of *Public Works Contract Cases, City of San Francisco, et. al. v. William D. Spencer et. al. and F.W. Spencer & Son Inc., et. al. v. David Norman, et. al.* Judicial Council Coordination Proceeding No 4379, on behalf of defendant regarding evidence of discrimination in public contracting, November 14, 2005.
- Deposition Testimony in the matter of *Carlos Torres et. al. v. Gristedes Operating Corporation et al.*, United States Court Southern District of New York, Case No. 04 CV 3316 (PAC) (ASP), October 25, 2005.
- Expert Report of Mark Berkman in the matter of *Carlos Torres et. al. v. Gristedes Operating Corporation et. al.*, United States Court Southern District of New York, Case No. 04 CV 3316 (PAC) (ASP), regarding a wages and hours claim on behalf of defendant, October 11, 2005.
- Deposition Testimony in the Matter of *Public Works Contract Cases, City of San Francisco, et. al. v. William D. Spencer et. al. and F.W. Spencer & Son Inc., et. al. v. David Norman, et. al.* Judicial Council Coordination Proceeding No 4379, October 7, 2005.
- Declaration of Mark P. Berkman PhD, in the matter of *Public Works Contract Cases, City of San Francisco, et. al. v. William D. Spencer et. al. and F.W. Spencer & Son Inc., et. al. v. David Norman, et. al.* Judicial Council Coordination Proceeding No 4379, June 10, 2005.
- Trial Testimony of Mark P. Berkman in the matter of *Barbara Niesendorf v. Levi Strauss & Company* on behalf of the defendant, regarding alleged wrongful termination. San Francisco, CA, June 10, 2004.

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- 1 • Deposition Testimony of Mark P. Berkman in the matter of *Barbara Niesendorf v. Levi*  
2 *Strauss & Company* on behalf of the defendant, regarding alleged wrongful termination.  
3 San Francisco, CA, April 29, 2004.
- 4 • Deposition Testimony of Mark P. Berkman in the matter of *Michelle Hamamura v. Kelly-*  
5 *Moore Paint Company, Inc.* on behalf of the defendant, regarding alleged gender  
6 discrimination. San Jose, CA, February 12, 2004.
- 7 • Trial Testimony of Mark P. Berkman in the matter of *Willard E. Kopetski v. Chevron*  
8 *Corporation et al.*, Superior Court of the State of California in and for the County of San  
9 Francisco, on behalf of defendant Chevron Corporation, regarding alleged wrongful  
10 termination. San Francisco, CA, January 21, 2004.
- 11 • Expert Report in the matter of *Michelle Hamamura v. Kelly-Moore Paint Company, Inc.*  
12 in the United States District Court, Northern District of California, on behalf of defendant  
13 Kelly-Moore Paint Company, Inc. January 20, 2004.
- 14 • Trial Testimony in the matter of *National Association for the Advancement of Colored*  
15 *People, et al. v. The State of Florida Department of Corrections, et al.*, In the United  
16 States District Court for the Middle District of Florida, Ocala Division, on behalf of the  
17 plaintiffs. Ocala, Florida, November 12–13, 2003.
- 18 • Expert witness report of Mark P. Berkman, Ph.D., filed in the matter of *Jeri Hewitt v.*  
19 *Amerigas Propane, Inc.*, calculating damages estimates on behalf of the defendant with  
20 regard to alleged wrongful termination. November 5, 2003.
- 21 • Supplemental expert report of Mark P. Berkman filed in the matter of *National*  
22 *Association for the Advancement of Colored People, et al. v. The State of Florida*  
23 *Department of Corrections, et al.*, In the United States District Court for the Middle  
24 District of Florida, Ocala Division, on behalf of the plaintiffs. October 20, 2003.
- 25 • Trial Testimony in the matter of *Daniel Millar v. San Francisco Bay Area Rapid Transit*  
26 *District*, Superior Court for the State of California, for the County of Alameda, on behalf  
27 of San Francisco Bay Area Rapid Transit District, regarding alleged wrongful  
28 termination. Oakland, CA, October 8–9, 2003.
- 29 • Deposition Testimony of Mark P. Berkman in the matter of *Willard E. Kopetski v.*  
30 *Chevron Corporation et al.*, Superior Court of the State of California in and for the  
31 County of San Francisco, on behalf of defendant Chevron Corporation, regarding alleged  
32 wrongful termination. San Francisco, CA, August 18, 2003.

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- 1 • Rebuttal Report of Dr. Mark P. Berkman in the matter of *Mark J. True v. Allstate*  
2 *Insurance Company et al.*, United States District Court, Eastern District of California, on  
3 behalf of the defendant. Report filed July 9, 2003.
- 4 • Expert Witness Report of Dr. Mark P. Berkman in the matter of *Mark J. True v. Allstate*  
5 *Insurance Company et al.*, United States District Court, Eastern District of California, on  
6 behalf of the defendant, outlined proper methods for damage calculation. Report filed  
7 June 18, 2003.
- 8 • Deposition Testimony in the matter of *Daniel Millar v. San Francisco Bay Area Rapid*  
9 *Transit District*, Superior Court for the State of California, For the County of Alameda,  
10 on behalf of San Francisco Bay Area Rapid Transit District, regarding alleged wrongful  
11 termination. Walnut Creek, CA, April 3, 2003.
- 12 • Expert Witness Report in the matter of *Alpheus Ray Brokaw v. Qualcomm, Inc.*, U.S.  
13 District Court, Southern District of California, on behalf of Qualcomm, Inc. regarding  
14 alleged wrongful termination. Report filed January 23, 2003.
- 15 • Deposition Testimony and Trial Testimony in the matter of *Lannie Staniford v. Acordia*  
16 *Inc., Acordia of California Insurance Services, Robert DeValle, James Wells, Wells*  
17 *Fargo and Company, and DOES 1 through 20 inclusive*, in the Superior Court of the  
18 State of California, in and for the County of San Francisco, on behalf of defendant  
19 Acordia, Inc. regarding alleged wrongful termination. Deposition December 23, 2002;  
20 Trial Testimony January 13, 2003, both in San Francisco, CA.
- 21 • Deposition of Mark P. Berkman before the U.S. District Court, Southern District of  
22 California, in the matter of *Durante et al. v. Qualcomm, Inc.* on behalf of Qualcomm, Inc.  
23 regarding alleged age-based termination. San Diego, CA, December 10, 2002.  
24 Declaration filed in San Diego, CA, November 6, 2002.
- 25 • Trial Testimony on behalf of the NAACP in the matter of *NAACP v. State of Florida*  
26 *Department of Corrections*, U.S. District Court, Middle District of Florida, Ocala  
27 Division regarding statistical evidence of race discrimination in the promotion, training  
28 and discipline of black corrections officers, Ocala, Florida, November 6, 2002.
- 29 • Expert Testimony on behalf of the NAACP in the matter of *NAACP v. State of Florida*  
30 *Department of Corrections*, U.S. District Court, Middle District of Florida, Ocala  
31 Division regarding the adequacy of available data for statistical analysis. Ocala, Florida,  
32 September 14, 2001.
- 33 • Trial Testimony of Mark P. Berkman in the matter of *Dawn Goodman v. City of San Jose*

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1 before the Superior Court of the State of California on behalf of the City of San Jose  
2 regarding economic damages related to alleged wrongful termination, San Jose, CA,  
3 August 16, 2001.

- 4 • Deposition of Mark P. Berkman in the matter of *Victoria Aguinaldo Boudakian v. Avco*  
5 *Financial Services, et al.* Testimony before the United States District Court for the  
6 Eastern District of California on behalf of Avco Financial Services regarding alleged  
7 gender-based pay discrimination and termination, Oakland, CA, June 19, 2001.

- 8 • Trial Testimony of Mark P. Berkman in the matter of *Lucy Sales et al. v. County of*  
9 *Contra Costa et al.*, before the U.S. District Court for the Northern District of California,  
10 on behalf of Contra Costa County regarding the utilization of minority- and women-  
11 owned firms by the County, June 18, 2001.

- 12 • Deposition of Mark P. Berkman in the matter of *Lucy Sales et al. v. County of Contra*  
13 *Costa et al.*, regarding comments on reports filed by plaintiff's experts, February 16,  
14 2001.

- 15 • Affidavit of Mark P. Berkman in the matter of *National Association for the Advancement*  
16 *of Colored People, et al. v. State of Florida Department of Corrections, et al.*, to examine  
17 the Florida Department of Corrections data regarding the hiring and promotion of staff  
18 and analyze it for evidence of race and gender discrimination, April 4, 2001 and  
19 September 13, 2000.

- 20 • Deposition of Mark P. Berkman in the matter of *Lucy Sales et al. v. County of Contra*  
21 *Costa et al.*, regarding the calculation of the utilization of minority- and woman-owned  
22 firms in professional services and purchasing by the County, October 17, 2000 and July  
23 18, 2000.

- 24 • Amended Declaration of Mark P. Berkman in the matter of *Lucy Sales et al. v. County of*  
25 *Contra Costa et al.*, to calculate the utilization of minority- and woman-owned firms in  
26 professional services and purchasing by the County, September 19, 2000 and July 14,  
27 2000.

- 28 • "A Statistical Analysis of Coaches' Salaries at California State University, Fresno.  
29 Prepared with Michael Liu, (Confidential), March 2000.

- 30 • "A Statistical Analysis of Fair Lending." Prepared with Anthony Yezer and Stuart  
31 Gabriel, (Confidential), January 1999.

- 32 • "The Availability of Minority and Woman-Owned Businesses for the Southern California

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1 Regional Rail Authority.” Prepared at the request of the Southern California Regional  
2 Rail Authority, December 1996.

- 3 • Testimony before the California Public Utilities Commission, on behalf of The Joint  
4 Utilities Subcommittee, consisting of 12 California utilities, regarding NERA’s study to  
5 estimate the availability of service disabled veteran-owned establishments within the  
6 geographic and product markets from which the California utilities purchase goods and  
7 services, October 17, 1996.
- 8 • “California Disabled Veteran Business Enterprise Availability Study.” Prepared for The  
9 Joint Utilities Subcommittee, consisting of 12 California utilities, October 15, 1996.
- 10 • “An Analysis of the Utilization and Availability of Minority and Woman-Owned  
11 Businesses in the Los Angeles Metropolitan Area.” Prepared with D. Evans et al., March  
12 7, 1996.
- 13 • “The Oregon Health Plan Economic Impact Analysis for the Employer Mandate.”  
14 Prepared with John Gaisford et al. for the Oregon Office of the Health Care  
15 Administrator, February 10, 1995.
- 16 • “The Economic Impact of Health Care Reform in Arizona.” Prepared for the Arizona  
17 Affordable Health Care Foundation, February 8, 1994.
- 18 • “The Utilization of Minority and Women-Owned Business Enterprises by Member  
19 Agencies of the Regional Transit Association.” Prepared with D. Evans et al., May 1993.
- 20 • “The Utilization of Minority and Woman-Owned Business Enterprises by the San  
21 Francisco Redevelopment Agency.” Prepared with D. Evans et al., April 1993.
- 22 • “The Utilization of Minority and Woman-Owned Business Enterprises by the City of  
23 Hayward.” Prepared with D. Evans et al., March 1993.
- 24 • “Economic Implications of *Los Angeles Times* Job Fair-Related Activities.” Prepared  
25 with Richard T. Rapp, on behalf of the *Los Angeles Times*, October 27, 1992.
- 26 • Declaration on behalf of San Francisco Bay Area Rapid Transit District in *RGW*  
27 *Construction, Inc. San Francisco Bay Area Rapid Transit District, et al.*, regarding  
28 evidence of discrimination against minority contractors in the Bay Area, October 8, 1992.
- 29 • “The Utilization of Minority and Woman-Owned Business Enterprises by Alameda  
30 County.” Prepared with D. Evans et al., June 1992.



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- “The Utilization of Minority and Woman-Owned Business Enterprises by Contra Costa County.” Prepared with D. Evans et al., May 1992.

**Intellectual Property**

- Deposition Testimony of Dr. Mark P. Berkman in the matter of Western Sugar Cooperative et.al. vs. Archer-Daniels-Midland Company et. al. in the United States District Court Central District of California, Case No. CV11-3473 CBM (MANx), November 19, 2014
- Expert Report of Mark P. Berkman in the matter of Western Sugar Co-operative et.al. v. Archer Daniels Midland et.al, United States District Court Central District of California, Case No. CV11-3473 CBM (MANx), on behalf of plaintiffs provided rebuttal to defendant’s counterclaim damage estimate, September 30, 2014.
- Trial Testimony in the matter of *PQ Labs Inc. v. ZaagTech, Inc.*, in the United States District Court, Northern District of California, Case No. 12-cv-00450-cw, March 12, 2014.
- Rebuttal Report of Dr. Mark P. Berkman in the matter of *PQ Labs Inc. v. ZaagTech, Inc.*, in the United States District Court, Northern District of California, Case No. 12-cv-00450-cw, on behalf of defendants regarding alleged misappropriation of trade secrets and breach of contract, October 25, 2013.
- Deposition Testimony in the matter of *PQ Labs Inc. v. ZaagTech, Inc.*, in the United States District Court, Northern District of California, Case No. 12-cv-00450-cw, on behalf of defendants regarding alleged misappropriation of trade secrets and breach of contract, October 4, 2013.
- Deposition Testimony in the matter of *GigOptix v. M/A COM et.al.*, Superior Court of the State of California, Case No. 1-11-cv-199643, on behalf of defendants regarding damages attributed to alleged trade secret misappropriation, September 13, 2013.
- Expert Report of Mark P. Berkman, on behalf of PQ Labs, Inc., in the matter of *PQ Labs Inc. v. ZaagTech, Inc.*, in the United States District Court, Northern District of California, Case No. 12-cv-00450-cw, to calculate damages regarding alleged misappropriation of trade secrets and breach of contract, August 30, 2013.
- Deposition Testimony in the matter of *Quickie LLC v Greenberg Traurig et.al*, United States District Court Southern District of New York, 07Civ.10331 (RMB) (DFE), on behalf of plaintiffs, April 13, 2009.



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- 1 • Expert Report of Mark P. Berkman in the matter of *CAL-PAL v. California Police Youth*  
2 *Charities, Inc.*, United States District Court, Northern District of California, Case No.  
3 3:08-cv-01991-PJH on behalf of plaintiffs regarding damages regarding alleged  
4 trademark infringement and violations of the Uniform Trade Secret Act, January 9, 2009.
- 5 • Expert Rebuttal Report of Mark Berkman, PhD in the matter of *Quickie LLC v*  
6 *Greenberg Traurig et.al*, United States District Court Southern District of New York,  
7 07Civ.10331 (RMB) (DFE), on be-half of plaintiffs regarding patent infringement  
8 damages, October 17, 2008.
- 9 • Expert Report of Mark Berkman, PhD in the matter of *Quickie LLC v Greenberg Traurig*  
10 *et.al*, United States District Court Southern District of New York, 07Civ.10331 (RMB)  
11 (DFE), on behalf of plain-tiffs regarding patent infringement damages, July 21, 2008.
- 12 • Trial Testimony in the matter of *Ultra Clean Technology Systems and Service, Inc. v.*  
13 *Celerity, Inc.* before the United States District Court Northern District of California- San  
14 Francisco. June 12, 2007.
- 15 • Deposition Testimony in the matter of *Ultra Clean Technology Systems and Service, Inc.*  
16 *v. Celerity, Inc.* before the United States District Court Northern District of California-  
17 San Francisco. February 8, 2007.
- 18 • Expert Report of Mark Berkman in the matter of *Ultra Clean Technology Systems and*  
19 *Service, Inc. v. Celerity, Inc.* before the United States District Court Northern District of  
20 California- San Francisco. January 12, 2007.
- 21 • Deposition Testimony in the matter of Hank Spacone, on behalf of and a trustee for the  
22 General Unsecured Creditors' Liquidating Trust of At Home Corporation, and on behalf  
23 of and in the name of the At Home Liquidating Trust of At Home Corporation, Microsoft  
24 Corporation, Civil Action NO. C034739 (CW), September 27, 2005.
- 25 • Expert Report of Mark Berkman in the matter of Hank Spacone, on behalf of and a  
26 trustee for the General Unsecured Creditors' Liquidating Trust of At Home Corporation,  
27 and on behalf of and in the name of the At Home Liquidating Trust of At Home  
28 Corporation, Microsoft Corporation, Civil Action NO. C034739 (CW), August 19, 2005.
- 29 • Expert Report of Mark P. Berkman in the matter of *Monster Cable Products, Inc. v.*  
30 *Discovery Communications, Inc.* before the United States District Court for the Northern  
31 District of California—San Francisco. July 23, 2004. Rebuttal Report filed August 13,  
32 2004. Deposition Testimony taken in San Francisco on August 18, 2004.
- 33 • Trial Testimony of Mark P. Berkman before the U.S. District Court for the District of

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1 Connecticut in the matter of *Raytek Corporation v. Omega Engineering, Inc. and*  
2 *Newport Electronics, Inc.*, regarding false advertising and a patent infringement claim.  
3 Bridgeport, CT, June 16, 2004.

- 4 • Deposition Testimony of Mark Berkman in the matter of *Vladimir I. Makhov v. Litton*  
5 *Systems, Inc., et al.*, providing damages estimates on behalf of respondents with regard to  
6 an alleged breach of contract. May 27, 2004.
- 7 • Supplemental Expert Report of Mark Berkman in the matter of *Vladimir I. Makhov v.*  
8 *Litton Systems, Inc., et al.*, providing damages estimates on behalf of respondents with  
9 regard to an alleged breach of contract. Before the American Arbitration Association,  
10 New York City Office, May 4, 2004.
- 11 • Expert Report of Mark Berkman in the matter of *Vladimir I. Makhov v. Litton Systems,*  
12 *Inc., et al.*, providing damages estimates on behalf of respondents with regard to an  
13 alleged breach of contract. Before the American Arbitration Association, New York City  
14 Office, April 26, 2004.
- 15 • Supplemental Expert Report of Mark P. Berkman in the matter of *Quickie, LLC, v.*  
16 *Medtronic, Inc.*, U.S. District Court for the Southern District of New York, on behalf of  
17 the plaintiff, Quickie, LLC, filed March 5, 2004.
- 18 • Deposition Testimony of Mark P. Berkman in the matter of *Quickie, LLC, v. Medtronic,*  
19 *Inc.*, U.S. District Court for the Southern District of New York, on behalf of the plaintiff,  
20 Quickie, LLC, calculating damages for alleged patent infringement. Washington, DC,  
21 August 20, 2003.
- 22 • Rebuttal report with Timothy Savage, Ph.D. and Phillip Taylor, Ph.D., in the matter of  
23 *Tyson Foods, Inc. v. ConAgra Foods, Inc.*, U.S. District Court for the Western District of  
24 Arkansas, on behalf of the defendant, responding to opposing expert's damages  
25 calculations. August 8, 2003.
- 26 • Expert witness report with Timothy Savage, Ph.D. and Phillip Taylor, Ph.D., in the  
27 matter of *Tyson Foods, Inc. v. ConAgra Foods, Inc.*, U.S. District Court for the Western  
28 District of Arkansas, on behalf of the defendant, calculating economic damages resulting  
29 from alleged false advertising under the Lanham Act. July 30, 2003.
- 30 • Expert witness report of Mark P. Berkman before the U.S. District Court for the Southern  
31 District of New York in the matter of *Quickie, LLC, v. Medtronic, Inc.* on behalf of the  
32 plaintiff, Quickie, LLC, calculating damages for alleged patent infringement. June 18,  
33 2003.

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- 1 • Expert witness report of Mark P. Berkman before the U.S. District Court for the Northern  
2 District of California in the matter of *Molecular Probes, Inc. v. Texas Fluorescence*  
3 *Laboratories, Inc.* on behalf of the plaintiff, Molecular Probes, Inc., calculating damages  
4 for alleged patent infringement. San Francisco, CA, November 15, 2002.
- 5 • Deposition Testimony of Mark P. Berkman before the U.S. District Court for the District  
6 of Connecticut in the matter of *Raytek Corporation v. Omega Engineering, Inc. and*  
7 *Newport Electronics, Inc.*, regarding false advertising and a patent infringement claim,  
8 July 18, 2001.
- 9 • Trial Testimony of Mark P. Berkman in *Caliper Technologies Corp. v. Bertram*  
10 *Rowland; Flehr, Hohbach, Test, Albritton & Herbert; Aclara Biosciences, Inc., and Does*  
11 *One Through One Hundred*, estimated damages related to the misappropriation of trade  
12 secrets for a computer chip, October 5, 2000.
- 13 • Deposition Testimony of Mark P. Berkman in *Caliper Technologies Corp. v. Bertram*  
14 *Rowland; Flehr, Hohbach, Test, Albritton & Herbert; Aclara Biosciences, Inc., and Does*  
15 *One Through One Hundred*, September 7, 2000.
- 16 • Expert Witness Report of Mark P. Berkman (Confidential) in *Baxter Healthcare*  
17 *Corporation v. Spectranetics, Inc.*, to determine reasonable royalties in a patent  
18 infringement suit involving medical lasers, April 25, 2000.
- 19 • Trial Testimony of Mark P. Berkman, on behalf of R.E. Service Company, Inc., in the  
20 matter of *Johnson & Johnson Associates, Inc. v. R.E. Service Co., Inc.*, in the United  
21 States District Court, Northern District of California, Case No. C 97-04382 CRB,  
22 regarding damages associated with an alleged patent infringement, October 21, 1998.
- 23 • Expert Report with Kent Anderson in *Canon v. Nu-Kote International, U.S. District*  
24 *Court for the Central District of California, Southern Division*, regarding damages from  
25 alleged infringement of trademark, trade dress and design patents, August, 1998.
- 26 • Deposition Testimony of Mark P. Berkman, on behalf of R.E. Service Company, Inc., in  
27 the matter of *Johnson & Johnson Associates, Inc. v. R.E. Service Co., Inc.*, in the United  
28 States District Court, Northern District of California, Case No. C 97-04382 CRB, to  
29 calculate damages regarding an alleged patent infringement, July 10, 1998.
- 30 • Second Supplemental Expert Report of Mark P. Berkman, on behalf of Cellnet Data  
31 Systems, Inc., in the matter of *Cellnet Data Systems, Inc. v. Itron, Inc.*, to calculate  
32 damages regarding Itron's alleged infringement of their patent on remote electric meter  
33 reading, June 30, 1998.

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- Expert Witness Report of Mark P. Berkman, on behalf of R.E. Service Company, Inc., in the matter of *Johnson & Johnson Associates, Inc. v. R.E. Service Co., Inc.*, in the United States District Court, Northern District of California, Case No. C 97-04382 CRB, to calculate damages regarding an alleged patent infringement, June 22, 1998.
- Expert Reports of Mark P. Berkman, on behalf of Cellnet Data Systems, Inc., in the matter of *Cellnet Data Systems, Inc. v. Itron, Inc.*, to calculate damages regarding Itron's alleged infringement of their patent on remote electric meter reading, April 1, 1998 and May 19, 1998.

**Antitrust**

- Expert Report of Mark Berkman, Ph.D. and John Simpson, Ph.D. in the matter of *Arger, et al. v. Renown Health, et al.* on behalf of St. Mary's Hospital for mediation purposes, February 2015. Confidential.
- Expert Report of Mark P. Berkman in Support for Summary Adjudication of Tesoro Refining and Marketing Company, California Public Utilities Commission, Application No. A08-09-04, regarding market power in the transport of crude oil on behalf of Tesoro, November 16, 2009.
- Deposition Testimony in the matter of *Southern Waste Systems LLC and Sun Recycling v. The City of Coral Springs Florida, Waste Management Inc., of Florida and the Broward Solid Waste Disposal District*, United States District Court Southern District of Florida Miami Division, Case No. 06-61448-CIV on behalf of plaintiffs, April 14, 2009.
- Expert Report of Mark P. Berkman in the matter of *Southern Waste Systems, LLC and Sun Recycling v. The City of Coral Springs Florida, Waste Management Inc. of Florida and the Broward Solid Waste Disposal District*, United States District Court Southern District of Florida Miami Division, Case No. 06-61448-CIV on behalf of plaintiffs regarding Commerce Clause violations and damages, February 2, 2009.
- Sworn Declaration of Mark P. Berkman in Support for Summary Adjudication of Tesoro Refining and Marketing Company, California Public Utilities Commission, Application No. A08-09-04, regarding market power in the transport of crude oil, December 18, 2008.
- Trial Testimony in the matter of *Groeniger & Co. v. Ferguson Enterprise Inc.*, Superior Court of the State of California, County of Kern, No. 253924, on behalf of defendants regarding antitrust and anticompetitive act claims, May 16, 2007.
- Deposition Testimony in the matter of *Groeniger & Co. v Ferguson Enterprises, Inc.*, Superior Court of the State of California, County of Kern, No. 253924, April 21, 2007.

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- 1 • *Waste Services Inc. v. Waste Management Inc.* in the United States District Court,  
2 Middle District of Florida, Orlando Division, Case no. 6:05-CV-00320-ACC-DAB, 2006.
- 3 • In Re High Pressure Laminates Antitrust Litigation in the United States District Court for  
4 the Southern District of New York, 2004.
- 5 • Expert witness report of Mark P. Berkman before the U.S. District Court for the Northern  
6 District of California in the matter of *Molecular Probes, Inc. v. Texas Fluorescence*  
7 *Laboratories, Inc.* on behalf of the plaintiff, Molecular Probes, Inc., critiquing  
8 defendant's antitrust counterclaim. San Francisco, CA, December 6, 2002.
- 9 • Trial Testimony of Mark P. Berkman before the U.S. District Court for the District of  
10 Minnesota on behalf of Superior-FCR Landfill, Inc., in the matter *Superior-FCR Landfill,*  
11 *Inc. v. Wright County, Minnesota*, regarding the impact of a county-need based zoning  
12 decision on interstate commerce, June 15, 2001.
- 13 • Arbitration Testimony of Mark P. Berkman in the matter of *Raisin Bargaining*  
14 *Association v. American Raisin Packers et al.*, on behalf of the American Raisin Packers  
15 regarding the free tonnage price for raisins in 2001, April 30, 2001.
- 16 • Expert Witness Report on Damages of Mark P. Berkman in *Cardiac Pacemakers Inc,*  
17 *Guidant Sales Corp, and Eli Lilly Company* vs. *St. Jude Medical, Inc., Pacesetter, Inc.,*  
18 *Ventritex, Inc. and John Does 1–10*, regarding alleged anti-competitive actions by  
19 plaintiff, February 26, 2001.
- 20 • Expert Witness Report of Mark P. Berkman in *Cardiac Pacemakers Inc, Guidant Sales*  
21 *Corp, and Eli Lilly Company* vs. *St. Jude Medical, Inc., Pacesetter, Inc., Ventritex, Inc.*  
22 *and John Does 1–10*, regarding counterclaim damages, January 18, 2001.
- 23 • Deposition Testimony of Mark P. Berkman on behalf of Superior-FCR Landfill, Inc., in  
24 the matter *Superior-FCR Landfill, Inc. v. Wright County, Minnesota*, regarding the  
25 effects on interstate commerce of Wright County's zoning policies, August 24, 2000.
- 26 • Expert Witness Report of Mark P. Berkman on behalf of Superior-FCR Landfill, Inc., in  
27 the matter *Superior-FCR Landfill, Inc. v. Wright County, Minnesota*, regarding the  
28 effects on interstate commerce of Wright County's zoning policies, April 3, 2000.
- 29 • Affidavit of Mark P. Berkman, December 29, 1999, and Supplemental Affidavit of Mark  
30 P. Berkman, January 15, 2000, prepared on behalf of Waste Management of New York in  
31 the matter of *Waste Management of New York v. Town of Oyster Bay et al.*, reviewing the  
32 Town of Oyster Bay's contracting procedures and terms for a solid waste disposal  
33 contract.

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- 1 • Rebuttal Report of Mark P. Berkman, on behalf of Randy's Sanitation, Inc., in the matter  
2 of *Randy's Sanitation, Inc. v. Wright County, Minnesota, Patrick Sawatzke, and Kenneth*  
3 *Jude*, January 21, 1999.
- 4 • Expert Witness Report of Mark P. Berkman, on behalf of Randy's Sanitation, Inc., in the  
5 matter of *Randy's Sanitation, Inc. v. Wright County, Minnesota, Patrick Sawatzke, and*  
6 *Kenneth Jude*, regarding the impacts of Wright County's flow control ordinance on  
7 interstate and intrastate trade, November 2, 1998.
- 8 • Investigation of the Proposed Merger of Waste Management, Inc. with USA Waste  
9 before the U.S. Department of Justice as required by the Hart-Scott-Rodino Act, 1998.
- 10 • Testimony before the Trade Waste Commission, City of New York on behalf of the New  
11 York City Economic Development Commission, regarding maximum rate regulation of  
12 commercial waste collection, January 21, 1997.
- 13 • *Strobe Data, Inc. v. Digital Equipment Corporation*, before the United States District  
14 Court, Western District of Washington, C96-947C, 1997.
- 15 • Investigation of the Proposed Acquisition of United Waste by USA Waste, before the  
16 U.S. Department of Justice as required by the Hart-Scott-Rodino Act, 1997.
- 17 • Expert Witness Report of Mark P. Berkman, on behalf of *Robinson Rubber Co. Inc., et*  
18 *al. v. Hennepin County, Minnesota*, before the United States District Court, District of  
19 Minnesota, Civil Court File No. 4-95-220, regarding the impact of Hennepin County's  
20 flow control ordinance on the demand for solid waste management services, December  
21 30, 1996.
- 22 • Expert Witness Report of Mark P. Berkman, on behalf of Entex Information Services, in  
23 the matter of *Daniels et al. v. Random Access et al.*, in the United States District Court  
24 for the District of Colorado, Civil Action No. 95-Z-1785, regarding Sherman Act claims  
25 and damages, July 15, 1996.
- 26 • *Jerry Duke v. Browning Ferris Industries of Tennessee and Browning Ferris Industries*,  
27 Tennessee Circuit Court, 1996.
- 28 • Expert Witness Report of Mark P. Berkman in the matter of *Ben Oehrlein et al. v.*  
29 *Hennepin County, Minnesota*, in the United States District Court for the District of  
30 Minnesota Fourth Division, addresses what the market price for solid waste disposal in  
31 Hennepin County, Minnesota, would have been between 1989 and 1995 but-for a County  
32 Ordinance restricting waste to designated disposal facilities, November 1, 1995.



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- 1 • Affidavit of Mark P. Berkman in Support of Class Certification, on behalf of *Robinson*  
2 *Rubber Co. Inc., et al. v. Hennepin County, Minnesota*, before the United States District  
3 Court, District of Minnesota, Civil Court File No. 4-95-220, regarding the impact of  
4 Hennepin County's flow control ordinance on solid waste disposal costs on County  
5 residents and businesses, October 30, 1995.
- 6 • Declaration on behalf of *Ben Oehrlein et al. v. Hennepin County, Minnesota*, before the  
7 United States District Court, District of Minnesota, Civil Court File No. 4-94-63,  
8 regarding the geographic market for solid waste disposal, August 3, 1995.
- 9 • *Novadyne Computer Systems, Inc. v. Tandem Computers, Inc.*, before the United States  
10 District Court, Central District of California, No. 91-1941 THJ (KX), October, 1995.
- 11 • Affidavit on behalf of Kauai Publishing Company in *Hawaii Press Newspapers, Inc. v.*  
12 *Wolf Publishing et al.*, No. 88-1836-6, regarding predatory pricing claims made against  
13 Kauai Publishing, March 11, 1994.
- 14 • Investigation of the Proposed Acquisition of Attwoods, Inc. by Browning-Ferris  
15 Industries, Inc. before the U.S. Justice Department as required by the Hart Scott Rodino  
16 Act, 1994.
- 17 • Expert testimony before the U. S. District Court, District of Rhode Island, *Metals*  
18 *Recycling, Inc. v. American Waste Services, Inc., et al.*, on behalf of American Waste  
19 regarding market power and tying in solid waste disposal and transportation, July 17–21,  
20 1992.
- 21 • *Metals Recycling, Inc. v. American Waste Services, Inc., and Enviroco Transportation*  
22 *Management, Inc.*, before the U.S. District Court, District of Rhode Island, No. 91-  
23 0149B, 1992.
- 24 • Deposition testimony on behalf of Kauai Publishing Company regarding *Hawaii Press*  
25 *Newspapers, Inc. v. Wolf Publishing, et al.*, First Circuit Court, State of Hawaii, Civil  
26 Case No. 88-1836-06, regarding alleged market power and predatory pricing, October 29,  
27 1991.
- 28 • *Hawaii Press v. Wolf Publishing et al.*, before the Circuit Court of the First Circuit, State  
29 of Hawaii, No. 88-1836-06, 1991.
- 30 • *High Technology Careers, a California partnership v. San Jose Mercury News, a*  
31 *California Corporation*, before the U.S. District Court, Northern District of California,  
32 San Jose Division, No. 90-20579-SW, 1991.



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- 1 • *BPHC Acquisition Inc. v. Penthouse International, Donald J. Trump, et al.* before the  
2 Superior Court of New Jersey, 1990.
- 3 • *Zapata Gulf Marine Corporation v. Puerto Rico Maritime Shipping Authority, et al.*  
4 before the U.S. District Court of the Eastern District of Louisiana, 1990.
- 5 • *ETSI Pipeline Project v. Burlington Northern Inc., et al.*, in the United States District  
6 Court for the Eastern District of Texas, Beaumont Division, No. B-84-979-CA, 1989.
- 7 • *Landmarks Holding Corporation, et al. v. David W. Bermant, et al.*, before the United  
8 States District Court, District of Connecticut, 1984.
- 9 • *Jefferson Disposal v. Parish of Jefferson, et al.*, before the United States District Court,  
10 for the Eastern District of Louisiana, 1984.
- 11 • *Scenic Trails, Inc. v. Greyhound Lines, Inc., et al.*, before the United States District  
12 Court, Western District of Wisconsin, 1984.

13 **Commercial Litigation and Damages**

- 14 • Expert witness report of Mark P. Berkman, Ph.D., in the matter of *Neptec Optical*  
15 *Solutions v. Nabuo Takahashi and Nomura Jimusho (U.S.A.)*, U.S. District Court for the  
16 Eastern District of Tennessee at Knoxville, reviewing and evaluating plaintiff's damages  
17 estimates and providing damages assessments on behalf of the defendant. November 10,  
18 2003.—*Confidential*.
- 19 • Declaration of Mark P. Berkman before the American Arbitration Association  
20 Commercial Arbitration Tribunal in the matter of *Javad Ashjaee v. Topcon Positioning*  
21 *Systems, Inc.* on behalf of the plaintiff, Javad Ashjaee, calculating damages resulting  
22 from certain alleged practices by defendant Topcon Positioning Systems, Inc. that violate  
23 the Non-Compete, License and Permissible Activities Agreement between the parties.  
24 San Francisco, October 30, 2002.
- 25 • Deposition of Mark Berkman, in the matter of *Isuzu Motors Limited v. Consumers Union*  
26 *of United States, Inc.*, in the United States District Court, Central District of California,  
27 Case No. 97 5685 RAP (RBNx), regarding rebuttal report to plaintiff's damage estimates,  
28 July 27, 1999.
- 29 • Expert Report of Mark P. Berkman and Kenneth E. Train, in the matter of *Isuzu Motors*  
30 *Limited v. Consumers Union of United States, Inc.*, in the United States District Court,  
31 Central District of California, Case No. 97 5685 RAP (RBNx), rebuttal report to  
32 plaintiff's damage estimates, July 16, 1999.

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- 1 • Supplemental Expert Report of Mark P. Berkman and Kenneth E. Train in the matter of  
2 *Suzuki Motor Corporation Japan v. Consumers Union of United States, Inc.*, in the United  
3 States District Court, California Central Division Case No. SACV 96-340 AHS (ANx),  
4 response to surrebuttal report to plaintiff's damage estimates, June 10, 1999.
- 5 • Declaration of Mark P. Berkman in the matter of *Walters Furniture v. Alameda*  
6 *Newspapers Inc.*, in Superior Court of California, County of Alameda, Case No. 800147-  
7 8, regarding damages resulting from overstated newspaper circulation claims, June 2,  
8 1999.
- 9 • Deposition of Mark P. Berkman in the matter of *Suzuki Motor Corporation Japan v.*  
10 *Consumers Union of United States*, regarding damage estimates, April 9, 1999.
- 11 • Expert Report of Mark P. Berkman and Kenneth E. Train, in the matter of *Suzuki Motor*  
12 *Corporation Japan v. Consumers Union of United States, Inc.*, in the United States  
13 District Court, California Central Division Case No. SACV 96-340 AHS (ANx), rebuttal  
14 report to plaintiff's damage estimates, February 23, 1999.
- 15 • Expert Witness Report of Mark P. Berkman in the matter of *Ben Oehrlein et al. v.*  
16 *Hennepin County, Minnesota*, in the United States District Court for the District of  
17 Minnesota Fourth Division, February 6, 1998.
- 18 • Expert Testimony and Report before the United States District Court, for the District of  
19 Minnesota Fourth Division, Civil Court File No. 4-96-CIV 188, on behalf of Edward  
20 Kraemer & Sons, in the matter of *Edward Kraemer & Sons, Inc. v. Wybierala et al.*,  
21 regarding estimating the lost profits suffered by a landfill owner as a result of  
22 unauthorized discounts to customers, December 8, 1997.
- 23 • "Report on Damages Newark Group Industries, Inc. Recycled Fibers Division Eastern  
24 Region (Newark)," on behalf of Newark Group Industries, Inc., in the matter of *The*  
25 *Newark Group Industries, Inc. v. Joseph Merante, et al.*, Superior Court of New Jersey,  
26 Chancery Division: Essex County regarding business damage claims, November 1996.
- 27 • Expert witness report and testimony before the Rhode Island Superior Court, *Landfill &*  
28 *Resource Recovery, Inc. v. Department of Environmental Management of the State of*  
29 *Rhode Island, et al.* (Sup. Ct., C.A. No. 81-4091), on behalf of Landfill and Resource  
30 Recovery regarding the fair market value for a landfill site, July 3, 1989.

**Tribal and Indian Affairs**

- 32 • Testimony in the matter of Thermal Energy Company v. Bureau of Land Management,  
33 Navajo Nation, Intervenor of ILBA 2006-71, regarding the commercial quantities of coal

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on behalf of the Navajo Nation, January 9, 2011.

- Deposition Testimony in the matter of The Ponca Tribe of Indians of Oklahoma, et.al v. Continental Carbon Company et.al. United States District Court for the Western District of Oklahoma. Case No. CIV-05-445-C, May 30, 2008.
- Expert Report of Mark P. Berkman in the matter of The Ponca Tribe of Indians of Oklahoma, et.al v. Continental Carbon Company et.al. United States District Court for The Western District of Oklahoma Case No. CIV-05-445-C on behalf of plaintiff regarding property damage and unjust enrichment resulting from alleged failure to reduce particulate emissions, March 3, 2008.
- Deposition testimony in the matter of Rincon San Luiseño Band of Mission Indians; and HCAL Corporation, a Nevada Corporation, vs. Dan McAllister, in his official capacity as Treasurer-Tax Collector of San Diego County, on behalf of the Rincon Tribe, May 26, 2005.
- Supplemental Expert Report in the matter of Rincon San Luiseño Band of Mission Indians; and HCAL Corporation, a Nevada Corporation, vs. Dan McAllister, in his official capacity as Treasurer-Tax Collector of San Diego County, on behalf of the Rincon Tribe, May 23, 2005.
- Expert Report of Mark Berkman, PhD, “Economic Impact of the Harrah’s Rincon Casino on San Diego County, California,” in the matter of *Rincon San Luiseño Band of Mission Indians; and HCAL Corporation, a Nevada Corporation, vs. Dan McAllister, in his official capacity as Treasurer-Tax Collector of San Diego County*, on behalf of the Rincon Tribe, March 21, 2005.
- Affidavit of Mark Berkman in the matter of the *Navajo Nation v. United States of America*, on behalf of the Navajo Nation. Filed in the United States Court of Federal Claims, August 20, 2004.
- Testified before the Public Utilities Commission of the State of California on behalf of the Navajo Nation, in the matter of the Application of Southern California Edison Regarding the Future Disposition of the Mohave Generating Station, June 23, 2004.
- Prepared Superceding testimony of Mark P. Berkman, Ph.D., before the Public Utilities Commission of the State of California on behalf of the Navajo Nation, in the matter of the Application of Southern California Edison Regarding the Future Disposition of the Mohave Generating Station, May 14, 2004.
- “Preliminary Estimate of Revenues Derived by Wyoming and Fremont county from

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1 Residents and Businesses on the Wind River Reservation and Expenditures by Wyoming  
2 and Fremont County for Services to the Reservation, 1988–2002,” prepared by Mark  
3 Berkman and Benjamin Arnold for the Northern Arapaho and Shoshone Business  
4 Council, November 18, 2003.

- 5 • Prepared Direct Testimony of Mark P. Berkman before the Public Utilities Commission  
6 of the State of California on behalf of the Navajo Nation in the matter of the Application  
7 of Southern California Edison Regarding the Future Disposition of the Mohave  
8 Generating Station, March 28, 2003.

- 9 • Trial Testimony of Mark P. Berkman in *Cayuga Indian Nation of New York et al. v.*  
10 *George P. Pataki et al.* to calculate prejudgement interest and critique defendant’s  
11 damage estimates in a land dispute dating back to 1795, August 15, 2000.

- 12 • Expert Witness Report of Mark P. Berkman in *Cayuga Indian Nation of New York et al.*  
13 *v. George P. Pataki et al.* to calculate prejudgement interest and critique defendant’s  
14 damage estimates in a land dispute dating back to 1795, April 28, 2000.

- 15 • Defendant’s Expert Witness Report of Mark P. Berkman, prepared on behalf of the Crow  
16 Tribal Council, in the matter of *Railbox Co. et al. v. Crow Tribal Council* regarding the  
17 economic basis for taxation of rail cars shipped through the Crow Reservation, revised  
18 August 3, 1999.

- 19 • Affidavit of Mark P. Berkman, prepared on behalf of the Crow Tribe of Indians, in the  
20 matter of *Crow Tribe of Indians v. State of Montana* regarding the impact of Montana  
21 taxes on the Crow Tribe’s ability to manage its coal resources, October 30, 1998.

- 22 • Expert Witness Report Disclosure of Mark P. Berkman, prepared on behalf of the Crow  
23 Tribal Council, in the matter of *Railbox Co. et al. v. Crow Tribal Council* regarding the  
24 economic basis for taxation of rail cars shipped through the Crow Reservation,  
25 September 9, 1998.

- 26 • Testimony before the United States District Court, District of Montana, on behalf of the  
27 Crow Tribe of Indians and the United States in *Crow Tribe of Indians and the United*  
28 *States v. State of Montana, et al.*, CV-78-110 BLG-JDS, regarding unjust enrichment and  
29 damages claims made by the Crow Tribe against the State of Montana, March 31, 1994.

- 30 • Testimony before the United States District Court, District of Arizona, on behalf of the  
31 Navajo Nation in *Peabody Coal Company v. The Navajo Nation*, regarding the  
32 Navajo/Hopi coal tax dispute, March 17, 1994.

- 33 • Affidavit for Marathon Oil Company and the Shoshone and Northern Arapaho Tribes of

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1 the Wind River Indian Reservation in *Marathon Oil Company, Shoshone and Northern*  
2 *Arapaho Tribes of the Wind River Reservation v. State of Wyoming, et al.*, demonstrating  
3 how state and local taxes infringe on the Tribes' abilities to manage their own energy  
4 resources and to provide necessary government services on the Reservation, November  
5 19, 1992.

- 6 • "Comments Regarding Indian Gaming Markets," prepared for the U.S. Department of  
7 Justice in the matter of *U.S. v. Trump*, 1992.
- 8 • Testimony before the Select Committee on Indian Affairs, United States Senate, on  
9 behalf of the Crow Indian Tribe regarding coal reserve appraisal, July 23, 1992.
- 10 • Testimony before Select Committee on Indian Affairs, United States Senate, "State  
11 Taxation and Indian Economic Development," May 1, 1990.
- 12 • "Preliminary Estimate of Revenues Derived by Wyoming and Fremont County from  
13 Residents and Businesses on the Wind River Reservation and Expenditures by Wyoming  
14 and Fremont County for Services to the Reservation." Prepared for the Shoshone and  
15 Arapaho Tribes, June 3, 1988.

16 **Other**

- 17 • "Branch Bank Location: A Case Analysis." With Fred Dunbar, May 1986.
- 18 • "Household Eligibility Certification: Evidence from Major Income Transfer Programs  
19 and the Experimental Housing Allowance program." Working paper, Washington, D.C.:  
20 The Urban Institute, 1977.
- 21 • "A Framework for the Analysis of Income Accounting Systems in EHAP." Washington,  
22 D.C.: The Urban Institute, Contract Report No. 216-17, 1975.