

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

***In re* FLINT WATER CASES**

**Civil Action No. 5:16-cv-10444-JEL-
(consolidated)**

Hon. Judith E. Levy

**REPORT AND RECOMMENDATION
OF THE SPECIAL MASTER REGARDING ADDITION OF
CLAIMS ADMINISTRATOR SERVICES FOR THE PARTIAL SETTLEMENT**

On July 31, 2018, under Federal Rule of Civil Procedure 53, the Court appointed Deborah E. Greenspan to serve as a Special Master. Amended Order Appointing Special Master (“Special Master Appointment Order”), ECF No. 544, PageID.16581-16590.

On January 21, 2021, the Court issued its *Opinion and Order Granting Plaintiffs’ Motion to Establish Settlement Claims Procedures and Allocation and for Preliminary Approval of Class Settlement Components [1318] and Granting Plaintiffs’ Motion for an Order Adopting the Proposed Motion for Approval of Wrongful Death Settlement [1334]*, ECF No. 1399 (“Preliminary Approval Order”). In the Preliminary Approval Order, the Court appointed Deborah Greenspan as the Special Master under the Amended Settlement Agreement (“ASA”). *Id.* at PageID.54465. In the Preliminary Order, the Court also appointed Archer Systems,

LLC as Claims, QSF, and Lien Resolution Administrator for purposes of the preliminary settlement and conditional class certification. *Id.* at PageID.54465-66.

On November 10, 2021, the Court issued its *Opinion and Order Granting Final Approval of a Partial Settlement, Granting Certification of a Settlement Class, Granting Appointment of Settlement Class Counsel [1794], Denying Objections, and Adopting the Report and Recommendation [2006]*, ECF No. 2008 (“Final Approval Order”).¹ The Final Approval Order approved the settlement (“Settlement”) reached between Plaintiffs and the Settling Defendants in the ASA (ECF No. 1394-2, PageID.54120). The Final Approval Order confirmed the appointment of Archer Systems LLC as Claims Administrator. *Id.* at PageID.69553. By separate Order dated January 21, 2021, the Court preliminarily approved the Archer fee schedule submitted as Exhibit K to Plaintiffs’ amended motion to establish settlement claims procedures and for preliminary approval of class settlement components (ECF No. 1394-16). *See Order Granting Preliminary Approval to the Archer Systems, LLC Claims, QSF, and Lien Resolution Administrator Fee Schedule [1394]*, ECF No. 1401.

¹ Unless otherwise defined herein, all capitalized terms herein have the same meaning set forth in the Amended Settlement Agreement that the Court has approved.

On January 20, 2022, the Court issued its *Order Regarding Settlement-Related Duties of the Special Master*, ECF No. 2096, PageID.71973. By this Order, the Court amended its previous Special Master Appointment Order and directed Deborah E. Greenspan to fulfill all of the duties of Special Master set forth in the ASA. *See* January 2022 Order, PageID.71975. Pursuant to the ASA and the Order Regarding Settlement Related Duties of the Special Master, the Special Master oversees various aspects of the settlement, and the Order directs the Special Master to assist the Court in its oversight role by supervising the implementation of the ASA, including, without limitation, supervision and audit of the claims administration process. *See Order Regarding Settlement-Related Duties of the Special Master*, ECF No. 2096, PageID.71975-71976.

I. The ASA's Claim Process.

Individuals and businesses who timely registered to participate in the settlement were required to submit Claim Forms and Claims Materials to recover under the settlement. *See* ASA, ECF No. 1394-2, PageID.54140-54145; Final Approval Order, ECF No. 2008, PageID.69556. The deadline for the submission of claims was June 30, 2022. *See Order Adopting the Special Master's Report and Recommendation Regarding Extension of the Claims Deadline for the Amended Settlement Agreement [2162]*, ECF No. 2163 (May 9, 2022).

The Report and Recommendation of the Special Master Regarding Extension of the Claims Deadline for the Amended Settlement Agreement, ECF No. 2162 (“Claim Deadline Extension Recommendation”) noted that the process of obtaining documents and submitting claims had proven to be more time consuming than anticipated for claimants and their counsel. Claim Deadline Extension Recommendation, ECF No. 2162, PageID.72635-37.

On August 8, 2022, I filed a Notice of the Special Master Regarding Status of Claims Process for Amended Settlement Agreement, ECF No. 2189 (Aug. 5, 2022) (“August Status Report”). The August Status Report described the large numbers of claim packets reported by the Claims Administrator that were received by the June 30, 2022 deadline, and that a substantial number of claims and supporting documents were submitted the last week before the June 30 deadline. *Id.*

At the status conference held December 21, 2022, I reported that the process of compiling, logging, verifying, identifying, and normalizing close to three million documents was time consuming and labor intensive. The claims review process could not proceed until the document intake process was completed because it is necessary to assure that all relevant documents are properly linked to the applicable claim before undertaking review. I further reported that the claimants would be sent a notice advising of the delay and the effort to deploy additional resources to help expedite the process.

The claims review process is designed to employ a claim review software “platform” to permit claims staff to review the claim forms submitted along with the supporting documents and then to set forth specific determinations on the various criteria set forth in the compensation schedule in the settlement. To enable this review process, the Claims Administrator has to extract data from claim forms and append the relevant documents to the claim review system. This process has proven to be complex. After examining the systems and reviewing an audit sample of claim records, and after conferring with the settling parties, I have noted certain limitations in that process and have concluded that to expedite the review of claims and to assure that claim records are complete, it is advisable to employ additional resources in the claims process and to implement certain procedural changes to the review protocol and systems.

II. Conclusion and Recommendation.

Accordingly, I recommend that the Court approve the engagement of two entities to design and implement revised claims management and review processes and to design additional quality control procedures. The settling parties and the Special Master interviewed five entities that have the capability to provide these services and engaged in additional conversations and meetings with these entities to confirm their ability to complete the necessary work in a cost-effective manner,

provide any necessary staff, and to begin work immediately. Based on this process, and the conclusions of the settling parties, I recommend the engagement of two entities – Wolf Garretson LLC and Alvarez & Marsal Disputes and Investigations, LLC – to provide certain defined services in connection with the claims administration process. Information about these two entities is included in Exhibit A attached hereto. The Claims Administrator appointed by the Court previously, Archer Systems, will work in conjunction with these additional resources.

The addition of these entities will help to facilitate data management and expedite the review process. The compensation for their work will be defined by separate contractual documents and compensation will be based on detailed invoices submitted to the Court for review and approval. The definition of services to be performed by each entity, and thus the compensation for each of the entities involved, will be structured to avoid duplication of effort and to assure that the overall costs are consistent with the original administrative cost estimates, recognizing that all estimates made at the outset of this process were necessarily based on assumptions about the nature and volume of work.

I have submitted with this Report for the Court's consideration a proposed Order addressing the engagement of these additional resources.

Respectfully submitted,

Date: January 31, 2023

/s/ Deborah E. Greenspan

Deborah E. Greenspan, Esq.

Special Master

BLANK ROME LLP

Michigan Bar # P33632

1825 Eye Street, N.W.

Washington, DC 20006

Telephone: (202) 420-2200

Facsimile: (202) 420-2201

Deborah.Greenspan@blankrome.com

CERTIFICATE OF SERVICE

I certify that on January 31, 2023, I electronically filed the foregoing document with the Clerk of the Court using the Court's ECF system, which will send notification of such filing to attorneys of record.

Date: January 31, 2023

/s/Deborah E. Greenspan

Deborah E. Greenspan

Special Master

BLANK ROME LLP

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Exhibit A



WOLF / GARRETSON

Wolf Garrettson, LLC provides design, administration and oversight of complex operations in settlement programs related to individuals or businesses that experience a catastrophic event. Our services help stakeholders in such programs achieve controlled, predictable outcomes. Relevant experience in select high profile matters:



PG&E Fire Victim Trust (Docket No. 8053, Confirmed by United States Bankruptcy Court, Northern District of California)



Equifax Inc. Customer Data Security Breach Litigation (MDL Docket 2800, United States District Court, Northern District of Georgia)



World Trade Center Disaster Site Litigation (MDL Docket MC100, MC102 and MC103, United States District Court, Southern District of New York)



Deepwater Horizon Litigation (MDL 2179, United States District Court, Eastern District Louisiana)



National Football League Players' Concussion Injury Litigation (MDL 2323, United States District Court, Eastern District of Pennsylvania).



Archdiocese of Louisville (In re: Roman Catholic Bishop of Louisville, Inc., Jefferson Circuit Court, Louisville, Kentucky).



Archdiocese of Cincinnati Claims Restitution Fund



Cincinnati Policing (Case No. C-1-99-3170, United States District Court, Southern District of Ohio)



Zyprexa Products Liability Litigation (MDL 1596, United States District Court, Eastern District of New York)



Vioxx Products Liability Litigation (MDL 1657, United States District Court, Eastern District of Louisiana)



Pelvic Repair System Products Liability Litigation [a/k/a Transvaginal Mesh] (MDL 2326, United States District Court, Southern District of District of West Virginia)



Avandia Marketing, Sales Practices, and Products Liability Litigation (MDL 1871, United States District Court, Eastern District of Pennsylvania)



Actos Products Liability Litigation (MDL 2299, United States District Court, Western District of Louisiana)



Remington Arms Company (Case No. 4:13-CV-00086-OD (Western District of Missouri)



TK Holdings Inc. (a/k/a Takata Airbags (Case No. 17-11375, United States Bankruptcy Court, District of Delaware)



Anderson Settlement Program (related to plaintiffs who filed claims against the University of Michigan in E.D. of Michigan 2:20-cv-10568).



Strauss Individual Settlement Program (related to plaintiffs who filed claims against The Ohio State University in S.D. Ohio Case No.'s 2:18-cv-00692, 2:18-cv-00736, 2:19-cv-02462).



Matthew Garretson

Matthew Garretson received a BA from Yale University, a law degree at Kentucky's Salmon P. Chase College of Law and a Masters in Theology from Chicago Theological Seminary.

Garretson has served as the special master or administrator of settlement funds and crisis response programs through the country in environmental disaster, product liability, civil rights, sexual abuse and other cases. In this capacity, Garretson has substantial firsthand experience with the design, administration and/or oversight of hundreds of class action and mass tort resolution programs. Further, he has extensive experience adjudicating and allocating claims as a court-appointed neutral and has modernized the approach to such claims adjudication using the power of clinical linguistics, artificial intelligence and machine learning with Pattern Data (<https://patterndata.ai>).

Garretson is also the author of a legal textbook published by West Publishing entitled "Negotiating and Settling Tort Cases," in addition to several articles regarding professional responsibility in settlements. He is a frequent speaker at Continuing Legal Education seminars regarding lawyers' professional responsibilities in class action and other mass tort matters, including The American Association For Justice, The American Bar Association, The Rand Corporation, DRI and dozens of state attorney associations. Garretson also serves as a member of the Advisory Board for Rand Center for Catastrophic Risk Management and Compensation.

In addition to being co-founder of Wolf Garretson, LLC, Garretson is the co-founder of Signal Interactive Media (www.signalinteractive.com), a firm dedicated to improving the efficacy of class notice through contemporary data analytics and mass media. He is also a founder of BurnBright, LLC (www.BurnBright.com), a



firm that provides research, data analytics and technology to create engaging, interactive micro-learning content. Garretson's work with Signal and BurnBright provides him unique insights into creating relevant learning experiences to increase claimant/class member engagement with and participation in settlement or crisis response programs.

He is also the co-Founder and former CEO of The Garretson Resolution Group, Inc ("GRG"), which provides lien resolution and complex settlement administration services in mass torts. In 2018, Garretson led the sale of GRG to Epiq, a worldwide provider of legal services.

When he is not designing or overseeing settlement programs, Garretson spends his time pouring into BurnBright Institute ("BBI"). BBI provides learning management systems for innovators and leaders of non-profit organizations operating in the Dominican Republic, Haiti and Mexico with an emphasis on improving the well being of vulnerable youth, their families and their communities.

Speaking Engagements (re: Aggregate Settlements, Legal Ethics & Professional Responsibility)

- AAJ Annual Meeting '03, '06, '08
- AAJ Hormone Therapy '04
- AAJ Mid-Winter '05, '06
- AAJ Weekend with the Stars '06
- AAJ Nursing Home Litigation Seminar '08
- AAJ Ski Medical Seminar '08
- AAJ Winter Convention '08, '13
- AAJ MSP Teleseminar '12
- American Bar Association Annual Convention '15
- Catholic Health Initiatives '08
- Colorado Trial Lawyers Association Winter Convention '09, '12
- Connecticut Trial Lawyers Association '09
- Consumer Attorneys of California '01, '03, '04, '06, '09
- Consumer Attorneys of Sonoma County '01
- DRI Annual Meeting '07
- DRI Mass Torts MSP Webcast '13
- Duke Law Center for Judicial Studies '16
- Federal Trade Commission, Class Action Notice Workshop '19
- Florida Justice Association '09
- Georgia Trial Lawyers Association '08, '09
- George Washington University Law School '16



- Hamilton Country Trial Lawyers Association '05
- Harris Martin '13, '15, '15, '16
- Hormone Replacement Therapy Seminar '07
- Indiana Trial Lawyers Association '09
- Kansas Trial Lawyers Association '03, '04, '07
- Kentucky Academy of Trial Lawyers '06
- Kentucky Justice Association '08
- Louisiana State Bar Association Admiralty Symposium '07, '13, '14, '15
- Louisiana Bar Mass Tort Symposium '02, '04
- Louisiana State Bar Assoc. Complex Litigation Symposium '13, '16
- Louisiana Trial Lawyers Association Annual '07
- Mass Torts Made Perfect '03, '04, '06, '08, '13
- Mass Torts Made Perfect Judicial Forum '13
- Mealey's Lexis/Nexis Art of Negotiation '07
- Mealey's Lexis/Nexis Contingency Fees '07
- Mealey's Lexis/Nexis Ethics '07
- Mealey's Lexis/Nexis Client Expenses '06
- Mealey's Lexis/Nexis Emerging Drug and Devices '04
- Mealey's Lexis/Nexis MMSEA '08
- Mealey's Medicare & ERISA Liens: New Developments '09
- Mississippi Trial Lawyers Association '02
- Michigan Negligence Law Section '09
- Michigan Association for Justice '08
- Minnesota Trial Lawyers Association '09
- Montana Trial Lawyers Association '08
- New York Academy of Trial Lawyers '07
- Norfolk and Portsmouth Bar Association '03
- NABIS – Medical Issues in Brain Injury '05, '06, '07
- Ohio Academy of Trial Lawyers Annual '03, '04, '05, '06, '07
- Ohio Academy of Trial Lawyers Subrogation Seminar '06
- Ohio Academy of Trial Lawyers Worker's Compensation '07
- Ohio Association for Justice '08, '09
- Insurance/Negligence Seminar '09
- Ohio State Bar Association Annual Convention '06
- Ohio Trial Advocacy Seminar '04, '06
- Oklahoma Trial Lawyers Association '07
- Perrin Conferences '12, '13
- Philadelphia Assn. for Justice '08
- Plaintiff Asbestos Litigation Seminar '07
- Professionally Speaking Seminar '07
- RAND Corporation '16, '17
- San Antonio Trial Lawyers Association '07
- Society of Settlement Planners '07
- TBI Symposium - Brain Injury Association of Ohio '04, '06



- TPL-COB National Conference '07
- Utah Bar Association Annual Seminar '05
- Utah Trial Lawyers Brain Injury '02, '03, '04, '05, '06, '07
- Utah Trial Lawyers Association Annual Convention '07
- Utah Association for Justice '09
- Virginia Trial Lawyers Association '05

Publications

- Negotiating and Settling Tort Cases, ATLA / West Publishing (2007). Updated 2013, 2015.
- A Fine Line We Walk: Counseling Clients About the “Form” of Settlement, 13 A.B.A. Prof'l Law. 4, 2002.
- Don't Get Trapped By A Settlement Release, Trial Magazine, September 2003.
- A Practical Approach to Proactive Client-Counseling and Avoiding Conflicts of Interest in Aggregate Settlements, The Loyola University Journal of Public Interest Law, Volume 6, 2004.
- Deferring Attorney Fees: Is There Now a Critical Mass of Enabling Legislation? Ohio Trial, Volume 14, Issue 2, 2005.
- Making Sense of Medicare Set-Asides, Trial Magazine, May 2006.
- What Does the Ahlborn Decision Really Mean? Ohio Trial, Fall 2006.
- Medicare's Reimbursement Claim - The Only Constant is Change, Ohio Trial, Spring 2007.
- One More Thing to Worry About in Your Settlements: The Medicare, Medicaid and SCHIP Extension Act of 2007, Philadelphia Trial Lawyers Association Verdict, Volume 2007, Issue 6.
- Act II – Reporting Obligations for Settling Insurers where Medicare is a Secondary Payer: The Medicare, Medicaid and SCHIP Extension Act of 2007, May 18, 2009.
- Easing Health Care Lien Resolution, AAJ Trial Magazine, October 2010.
- The Medicare, Medicaid and SCHIP Extension Act of 2007, Section 111 Reporting: One More Thing to Worry About in Your Settlements, March 2012.
- The SMART Act: How a New Federal Law Could Fast Track Your Settlements, 2013.

Pattern Data

Pattern Data, Inc. (“Pattern”) is a cloud-based software company headquartered in Charlotte, NC. It provides a data and workflow platform for lawyers, administrators, and special masters to streamline and improve claims processes with a focus on analytics.

Pattern’s main technologies are tools for claims processing and analytics. Pattern rapidly analyzes free-form documents and identifies information related to the unique circumstances of the claim, including diagnoses and medical procedures. Pattern’s workflow presents the facts, allowing review teams to apply their expertise and efficiently validate the platform’s results. Pattern also creates intuitive workspaces to help its clients monitor productivity, understand overall themes or high-level trends, and explore specific case types.

Wolf Garretson has extensive experience adjudicating and allocating complex claims on Pattern. Pattern is used by clients nationwide today to:

- Efficiently review proof documents for discovery, fact sheets, or settlement administration purposes
- Classify claimants for settlement discussion and/or to set case values
- Determine claimants placement in a settlement matrix
- Detect potential fraud or erroneous information in claims
- Prepare for trial or mediation
- Explore trends in data for cases and inventories



To learn more about Pattern Data, please visit www.patterndata.ai

About Matt Francis



Matt Francis is the founder and CEO of Pattern Data. Before founding Pattern Data, Francis was a VP of product and operations at the Garretson Resolution Group and Epiq. For several years, Francis led the design and operations of complex settlement programs related to product liabilities, environmental disasters, and other cases. Francis received a BS from Boston College.



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January 26, 2023

Deborah Greenspan, Partner
 Blank Rome
 1825 Eye Street NW
 Washington, D.C. 20006

Dear Deborah,

Per your request, please find below a summary description of Alvarez & Marsal, Alvarez & Marsal, Disputes and Investigations and the Mass Torts practice area. Please let me know if you need additional information.

Alvarez & Marsal (“A&M”) is a global professional services firm that offers management consulting services in a range of sectors and industries. A&M was established in 1983 and now employs about 7,000 people both domestically and abroad across 70 locations in 30 different nations. Corporate Performance Improvement, Private Equity Services, Restructuring & Turnaround, Tax, Disputes & Investigation, Valuation, and Regulatory & Risk Advisory are some of the areas where A&M offers operating and management expertise.

The Disputes and Investigations (“A&M DI”) practice of A&M focuses on offering professional services, consulting expert services and expert testimony for complex matters involving investigations and compliance, economics, forensic technology, cyber risk, and data privacy risk. Professionals with a variety of skills are employed by A&M DI including, Certified Public Accountants¹, Certified Fraud Examiners, Chartered Financial Analysts, Certified Information Systems Security Professionals (CISSP), PhD economists, and many other types of professionals with industry specific experience. A&M DI provides services globally to law firms, general counsels, boards of directors, CEOs, CFOs, and many other stakeholders involved in complex disputes and investigation.

The Mass Torts practice at A&M DI is a highly skilled group of experts who support parties involved in bankruptcy proceedings, businesses, Special Masters, and litigants by forecasting and analyzing the economic impact of mass tort liability. The group is retained by Special Masters and Trustees to assist in developing and carrying out resolution plans to fairly compensate those affected by mass disaster torts and natural disasters.

Sincerely,

Timothy G. Raab
 Managing Director



Timothy Raab, CPA

Managing Director

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SUMMARY BIO

Timothy Raab is a Managing Director with Alvarez & Marsal, Disputes and Investigations in Washington, D.C., and is the leader of the North American Mass Torts practice. He specializes in mass tort matters, including product liability, mass toxic and mass disaster torts as well as multidistrict litigation.

With more than 20 years of experience, Tim has been involved in many of the most high-profile mass tort cases ranging from asbestos and breast implant litigation to sexual misconduct claims and wildfire litigation. He has designed, managed, and overseen mass tort settlement trusts resulting in the distribution of billions of dollars in indemnity payments and settlement proceeds to beneficiaries.

Prior to joining A&M, Tim was a Senior Managing Director and leader of the Mass Torts practice at Ankura Consulting Group. Before that he was Senior Managing Director at ARPC, a boutique economic consulting firm based in Washington, DC. Prior to that he was an accountant and finance manager at Computer Sciences Corporation, Federal Sector and BEA Systems.

SELECTED EXPERIENCE

- Trustee and Claims Administrator for the Subrogation Wildfire Trust acting as a fiduciary for the preservation and distribution of \$11 billion in settlement proceeds. Responsible for selecting an asset allocation, reporting to a trust advisory board, establishing trust policies and procedures, designing claims processing procedures, and resolving and liquidating disputed insurance subrogation claims for property damage due to several wildfires.
- Settlement Administrator for a state tax litigation fund responsible for managing and distributing \$1.2 billion in settlement proceeds to over 20 million individuals and businesses for state tax refunds. The national settlement fund involves state sales and gross receipts tax refund claims, from over 2,300 taxing jurisdictions and 46 states.
- Executive Director and CFO for several asbestos trusts responsible for overseeing the allocation and distribution of settlement proceeds to millions of claimants with asbestos related injuries such as asbestosis, lung cancer, and mesothelioma.
- Liability estimation for sexual misconduct claims retained by Archdioceses to calculate the value of pending claims, estimate the present value of future claims, review related insurance coverage issues, and provide strategic advice on litigation and settlement strategies.
- Liability estimation for opioid litigation associated with claims made by municipalities and counties alleging increased expenditures related to the impact of opioid addiction on treatment and enforcement services.

**Alvarez & Marsal employs CPAs but is not a licensed CPA firm.*



Timothy Raab, CPA

Managing Director

- Evaluation of insurance coverage and liability estimation related to claims associated with a medial device and procedure alleging increased medial costs, injury, and wrongful death.
- Liability estimation for lead paint litigation associated with public nuisance claims and remediation fund costs. Estimation involved the identification of sources related to the prevalence of lead paint geographically and application of state remediation levels and standards.
- Evaluation of complex business interruption claims for the Special Master of the Gulf Coast Claims Processing Facility related to business losses associated with the BP Oil Spill. The evaluation included the development and application of “but-for” revenue and profitability analysis to quantify losses attributable to the oil spill.
- Independent Assessor for a breast implant litigation fund providing long-term liability estimates associated with claims related to breast implant disease and injury. Designed a discounted cashflow model used to match insurance assets to future claim liability to ensure that adequate funding was available to compensate claimants.

EDUCATION AND CERTIFICATIONS

- Loyola College, BBA (Bachelor of Business Administration)
- Marymount University, MBA (Master of Business Administration)
- American University, MS (Master of Science) in Taxation
- Certified Public Accountant (CPA)
- Member of the American Institute of Certified Public Accountants (AICPA), the Association of Insolvency and Restructuring Advisors, and the Virginia Society of Certified Public Accountants.

SPEAKING ENGAGEMENTS

- 2022 Dechert Distressed Investing Forum Panelist *“Mass Tort and Bankruptcy, Texas Two Step and Third-Party Releases”*
- 2019 Dechert Distressed Investing Forum Panelist *“The Intersection of Product Liability, Mass Torts, and Bankruptcy”*
- 2017 Mass Tort Global Settlement Architecture Conference Panelist, *“Mass Tort & Class Action Trends – 1,000 Claimants to 100 Million”*



Christina M. Brunk, CFA, CRE, FRICS

Managing Director

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SUMMARY BIO

Ms. Brunk specializes in the modeling of complex real estate and economic damages claims, real estate market analysis, and the development of geographic information systems (GIS). For more than 20 years, Ms. Brunk has advised clients in varied industries, including heavy manufacturing, oil and gas, chemical companies, utilities, financial services, public sector, healthcare, retail, and others. She brings expertise in sensitivity analysis and the development of data intensive models used to evaluate real estate market activity, alleged real estate and economic damages, and potential settlement alternatives in class action and mass tort matters.

Ms. Brunk has assisted clients throughout the United States in evaluating the effects of alleged air, soil, and groundwater contamination and other potential disamenities on property values, use and enjoyment, lost profits, and lost business opportunity. She advises clients in all stages of litigation including discovery, evaluating class certification issues, quantifying alleged damages and rebutting opposing experts, identifying and modeling settlement alternatives, and serving as a court-appointed Settlement Administrator.

Ms. Brunk serves as the CRE Liaison to the National Association of Realtors' Land Use, Property Rights, and Environment Committee. She is a board member of Alvarez and Marsal's Women's Leadership Connection and a leader of the Disputes and Investigations' Women's Leadership Initiative. Prior to joining Alvarez & Marsal, Ms. Brunk began her career with the Financial Advisory Services Practice at PricewaterhouseCoopers and was a Managing Consultant with Accounting, Economics, and Appraisal Group.

SELECTED EXPERIENCE

- Served on the Deepwater Horizon real property settlement team, developing real property frameworks, claims processes, settlement modelling and analysis. Evaluated real property claims from residential and commercial developers related to the Deepwater Horizon oil spill
- Served as Settlement Administrator of a residential property class in Alabama alleging contamination from operations of a former industrial coke operation
- Analyzed potential property value diminution related to elevated levels of disinfection byproducts in a private municipal water system in Florida
- Evaluated allegations of property value diminution in a series of class action suits involving PCB contamination; analyses included study of residential real estate market, commercial real estate market, residential rental market, lender surveys, and media studies. Compiled and maintained plaintiff database and prepared daily reports for counsel on strategic issues: soil test results, blood/fatty tissue test results, proximity of plaintiff locations to plant site, ownership issues, and damages per opposing expert



Christina M. Brunk, CFA, CRE, FRICS

Managing Director

- Developed and administered a Value Assurance Program for residential property owners in Oklahoma
- Developed and administered a Value Assurance Program as part of an institutional control program involving residential property owners downstream from a manufacturing facility in Michigan
- Crafted settlement alternatives involving a class of more than 60,000 residential parcels in a three-county area in Alabama, resulting in a Value Assurance Program and cash payouts
- Studied property characteristics and real estate market trends for 75,000 properties in a five-county area in Pennsylvania to analyze allegations of property value diminution and loss of use and enjoyment due to air emissions from a coal-fired power plant
- Utilized building permits, dock permits, county property records, aerial photography and historic sales data to construct a database of improvements and sales of marsh-front properties alleging property diminution due to lead, mercury and PCB contamination in coastal Georgia

EDUCATION AND CERTIFICATIONS

- Pennsylvania State University, Post-baccalaureate Certificate (*Geographic Information Systems*)
- University of Alabama, MA (*Finance*)
- University of Alabama, BS (*Finance*)
- Chartered Financial Analyst (CFA)
- Counselor of Real Estate (CRE)
- Fellow, Royal Institution of Chartered Surveyors (FRICS)
- Licensed Real Estate Salesperson

SELECT PUBLICATIONS AND SPEAKING ENGAGEMENTS

- “*Stop, Collaborate, and Listen: Creative Settlement Strategies for Real Property Damages*”, The National Association of Certified Valuers and Analysts (NACVA), April 2021
- “*Ethical Implications in Settlement Strategies for Your Mass Toxic Tort Case*” with John L. Carroll and Lucian T. Pera, Defense Research Institute – Toxic Torts and Environmental Law (DRI-TTEL) Seminar, Presentation and Course Materials, March 2019
- “*VAPs: A Creative Solution to Property-Value Disputes*”, American Bar Association Section of Litigation, Real Estate Litigation Newsletter, January 2013
- “*Mapping It Out: Using Technology as a Strategic Advantage in Litigation*”, Alvarez & Marsal Raising the Bar Newsletter, July 2011



Nicholas DeLuca

Managing Director

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SUMMARY BIO

Nicholas DeLuca is a Managing Director with Alvarez & Marsal Disputes and Investigations in Washington, D.C. He specializes in the application of analytics and modeling to estimate current and future liability associated with product liability, mass toxic and mass disaster torts and MDLs.

With more than 20 years of experience, Mr. DeLuca has developed estimates of current and future liability for a variety of mass tort personal injury claims, including asbestos, talc, ground water contamination and child sexual abuse. His related work includes the administration of settlement funds created during restructuring and the development of algorithms used to compensate hundreds of thousands of asbestos personal injury trust claimants.

Prior to joining A&M, Mr. DeLuca spent six years with the Mass Torts practice at Ankura Consulting Group, where he most recently served as Senior Managing Director. Before that, he served as Managing Director with ARPC, a boutique economic consulting firm, specializing in mass torts acquired by Ankura. Previously, he was a consultant with Global Insight (now IHS Markit), an economics forecasting company based in Massachusetts.

SELECTED EXPERIENCE

- Liability Estimation and claims consultant for the Future Claimant's Representative (FCR). Retained by the FCR to calculate the value of pending claims and estimate the present value of future claims for child sexual abuse claims and various diseases resulting from asbestos and talc.
 - In re: BOY SCOUTS OF AMERICA AND DELAWARE BSA, LLC, Case No. 20-10343
 - In re: BESTWALL LLC, Case No. 17-31795
 - In re: DBMP LLC, Case No. 20-30080
 - In re: PADDOCK ENTERPRISES, LLC, Case No. 20-10028
 - In re: IMERYS TALC AMERICA, INC., et al., Case No. 19-10289
 - In re: ALDRICH PUMP LLC, et al., Case No. 20-30608
- Settlement Administrator for a state tax litigation fund responsible for managing and distributing \$1.2 billion in settlement proceeds to over 20 million individuals and businesses for state tax refunds. The national settlement fund involves state sales and gross receipts tax refund claims, from over 2,300 taxing jurisdictions and 46 states.
- Claim Valuation and Forecasting for Several Trusts responsible for developing algorithms used to compensate personal injury Claims resulting from exposure to Asbestos. Asbestos exposure caused injuries such as mesothelioma, lung cancer, and asbestosis.

**Alvarez & Marsal employs CPAs but is not a licensed CPA firm.*



Nicholas DeLuca

Managing Director

- Liability estimation for sexual misconduct claims retained by Archdioceses to calculate the value of pending claims, estimate the present value of future claims, review related insurance coverage issues, and provide strategic advice on litigation and settlement strategies.
- Liability Estimation for Ground Water Contamination from allegations of various diseases. The estimate was used in a confidential negotiation by our client alleging fraudulent conveyance on the part of their former parent company.

EDUCATION AND CERTIFICATIONS

- University of Pittsburgh, BS (economics)
- Georgetown University, MBA

SPEAKING ENGAGEMENTS

- “Calculation of Damages and Cy Pres Distribution in Collective Redress”. 4th International Class Action Conference (ICAC). July 1, 2022. Amsterdam, The Netherlands.
- “Bankruptcy in Mass Tort”. Perrin Conferences Mass Tort Litigation Conference, March 2, 2022. Virtual