

**MICHAEL KWAK**  
**Vice President**

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Mr. Kwak specializes in the application of economic and financial theory to questions arising in complex securities and finance disputes. Specifically, his litigation and advisory work has centered on the development and implementation of econometric and statistical analyses, damages quantification, and valuation models. Mr. Kwak has led engagement teams in the preparation of economic and statistical analyses for numerous Fortune 500 clients in a variety of matters, including fixed-income and derivatives valuations, shareholder class actions, ERISA matters, Equal Employment Opportunity Commission (EEOC) discrimination cases, wrongful termination and wrongful death lost wage matters, labor recertification class action lawsuits, and other statistical and econometric matters. He has direct trading experience with a diverse mix of asset classes, including common stocks, mutual funds, annuities, unit investment trusts, government and corporate bonds, and equity and interest rate derivatives. Before joining Analysis Group, he was an executive vice president at a global economic consulting firm. Earlier in his career, Mr. Kwak worked as a financial advisor at Bear Stearns, where he managed the daily trading activity of the firm's Israeli institutional clients and various high-net-worth individuals.

**EDUCATION**

2011            M.A., economics, New York University  
2004            B.A., economics (*summa cum laude*), Columbia University

**PROFESSIONAL EXPERIENCE**

2022–Present    Analysis Group, Inc.  
*Vice President*

2012–2022      Compass Lexecon  
*Executive Vice President (2019–2022)*  
*Senior Vice President (2016–2019)*  
*Vice President (2012–2016)*

2005–2012      FTI Consulting  
*Senior Director*

2004–2005      Bear Stearns & Company  
*Registered Representative*

2001–2002      Josephthal & Co.  
*Senior Account Executive*

1996–2001      National Securities LLC  
*Account Executive*

## SELECTED EXPERT CASE WORK

### Testimony and Affidavits

- ***In re Lyft, Inc. Securities Litigation***  
*Superior Court of the State of California, Northern District of California*  
Section 11 class action matter. Expert declaration filed on August 12, 2021.
- ***In re Lyft, Inc. Securities Litigation***  
*United States District Court, Northern District of California*  
Section 11 class action matter. Expert declaration filed on January 19, 2021.
- ***Robert and Michael Touisse, Claimants v. Coastal Development and Michael Fields, Respondents***  
*New York State Arbitration*  
The case involved the valuation of past and future principal and interest payments secured by casino gaming revenue. Expert report filed on June 20, 2016. Expert testimony provided at arbitration on July 5, 2016.
- ***CIBC World Markets Corp., Claimant v. Michael Sassano, Respondent***  
*FINRA Arbitration, Case No. 2005-02827*  
The case involved allegations of unpaid commission related to total return swap transactions. Expert witness testimony given at mediation on October 28, 2008.

## SELECTED CONSULTING EXPERIENCE

### Valuation & Financial Analysis

- Led a consulting team in a dispute between a private equity fund and a commercial bank. The dispute involved a damage claim related to a structured note backed by cash and synthetic residential mortgage-backed securities (RMBS) assets.
- Co-led a consulting team in a matter in which bondholders owning billions of dollars of Puerto Rican debt along with an insurer of Puerto Rican debt sought to lift the automatic temporary stay arising from the Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA).
- Led a consulting team in a dispute between the Abu Dhabi Investment Authority (ADIA) and a major US-based banking institution. This dispute involved a damage claim related to the ADIA's investment into mandatory convertible notes.
- Led a component of the broader finance team working on the matter *Starr International Company Inc. v. The United States* that was responsible for assessing the market impact and commercial reasonability of the government rescue of AIG.
- Led a team that was engaged by a multinational banking institution to develop and implement a stress testing methodology for a US subsidiary bank. These stress tests required the valuation of fixed-income, equity, and derivative exposures.

- Led a team to assess the environmental impact and associated financial exposure related to a major US oil spill.
- Led a team to assess the suitability and foreseeability of the embedded risk contained in subprime RMBS as related to the investment portfolio of an offshore property and casualty insurance company.
- Directed a statistical team to estimate the fair market value of an exotic structured note portfolio with a notional value in excess of \$15 billion. Work was conducted on behalf of the creditors as part of the bankruptcy filing of Lehman Brothers. Valuations were conducted using path-dependent Monte Carlo simulation models that incorporated the econometric analysis of historic market data as well as market implied forward prices.

#### **Discrimination**

- Directed the analysis of police use of force for the Office of the Attorney General of Colorado to assess claims of racial bias.
- Directed a statistical team analyzing age discrimination in the firing practices of a major US automaker. The case involved charges of age discrimination from a neutral employment practice resulting in disparate impact and treatment under the Age Discrimination in Employment Act (ADEA) on members of a protected class.
- Directed a team to assess worker interest in promotion to the position of manager in a major US restaurant chain to analyze claims of a pattern or practice of discrimination against women in violation of Title VII of the Civil Rights Act of 1964.

#### **Wage & Hours**

- Directed a statistical team to estimate the exposure related to worker misclassification under the Fair Labor Standards Act (FLSA) for a major US investment bank. The case involved the misclassification of financial advisors and the related overtime exposure.
- Directed a statistical team to estimate the exposure related to worker misclassification under the FLSA for a major US retailer. The case involved the misclassification of shift managers and the related overtime exposure.

#### **Lost Earnings**

- Estimated lost lifetime earnings for 46 individuals not participating in the September 11th Victim's Compensation Fund. Work was done on behalf of multiple defendants as part of settlement negotiations for victims in Virginia and Pennsylvania.

#### **Statistical Analysis**

- Assisted in the statistical assessment of a large national medical charges database, assessing issues such as representativeness and the impact of data collection practices on insurance reimbursement.
- Analyzed and reviewed the stochastic/risk model of construction contingency put forth by Silverstein Properties in the insurance mediation for the cost estimates for the World Trade Center rebuild.

#### **ARTICLES AND PUBLICATIONS**

“Coming RIFTide of ADEA Class Actions,” with Charles Diamond and Robert Fuite, *Compensation & Benefits Review* (May 2007)

“Why is Prejudgment Interest in IP Cases Based on Risk-Free Treasury Bonds?,” with Charles Diamond and Robert Fuite, *Bright Ideas*, a publication of the Intellectual Property Law Section of the New York State Bar Association, vol. 15, no. 2 (Fall 2006)

#### **SELECTED GUEST LECTURES**

“Advanced Topics in Applied Math: Dynamic Computational Statistics Models for Socio-economic & Geo-political Systems, Topic: Monte Carlo Simulation of the Gamma-Poisson distribution and its relationship to other distributions,” NYU Courant Institute of Mathematical Sciences (Spring 2012)

“Topic: Valuing complex structured products with path dependent Monte Carlo Simulation,” NYU Courant Institute of Mathematical Sciences, M.Sc. Program in Financial Mathematics (Fall 2011)

#### **SELECTED HONORS AND AWARDS**

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| 2001–2004 | Dean’s Honor List, each semester, Columbia University          |
| 2004      | Phi Beta Kappa, Columbia University                            |
| 2004      | C. Lowell Harris Scholarship in Economics, Columbia University |