

# LITIGATION SUPPORT EXPERIENCE OF ALLAN D. KOTIN

*All of the assignments described were performed directly by or under the immediate supervision of Allan Kotin. Prior to 2002, he was a principal successively of Kotin, Regan & Mouchly, Inc, Sedway Kotin Mouchly Group, KMG Consulting, and PCR Kotin, which were the names of record in which some of these assignments were performed. For ease of reference, only the name of the current firm abbreviated as ADK&A is used in describing the consulting assignment.*

*Attorney references are to original attorney and law firm, although in some instances lawyers have moved or firms have changed names or dissolved.*

Allan D. Kotin, owner of Allan D. Kotin & Associates (ADK&A), is one of California's leading real estate litigation support consultants and expert witnesses. Since 1980, Allan has offered formal litigation support in over 20 cases. His role has ranged from that of consultant to expert witness, and has involved percipient and expert witness situations. The following list relates only to those situations in which Allan was retained explicitly in connection with either civil or bankruptcy litigation and does not include the numerous situations in which he has worked closely with attorneys in the negotiation of new agreements or the resolution of disputes which have not gone to trial.

Client: Lennar Corporation and LNR Partners (2002)  
Law Firm: Farmer & Case  
Case: Tuscher v. City of Chula Vista and Lennar  
ADK&A Role: Expert testimony  
ADK&A Activities: Evidence preparation, deposition, testimony  
Outcome: Jury found for plaintiff but awarded less than last settlement offer  
Contact: John Farmer, Farmer & Case, (619) 338-3100

Client: Irvine Company (2002)  
Law Firm: Bewley, Lassleben & Miller  
Case: Irvine vs. Golden Wrench  
ADK&A Role: Expert testimony  
ADK&A Activities: Evidence preparation, deposition, testimony  
Outcome: Client prevailed and no payment was made to Golden Wrench  
Contact: Ernie Z. Park, Bewley, Lassleben & Miller, (562) 698-9771

Client: Metropolitan Transportation Authority of Los Angeles County  
Law Firm: Nossaman, Guthner, Knox & Elliott  
Case: Los Angeles CTC v. Prinz & Los Angeles CTC v. L&R  
ADK&A Role: Analysis of special benefit  
ADK&A Activities: Consulting support, deposition and expert testimony  
Outcome: Awards in both cases below the last MTA settlement offer made  
Contact: James C. Powers, Nossaman, Guthner, Knox & Elliott (213) 612-7800

Client: Huntington Beach Redevelopment Agency (2000)  
Law Firm: Arter & Hadden  
Case: Bloom v. Huntington Beach  
ADK&A Role: Determine Probable Earnings from Aborted Beachfront Development  
ADK&A Activities: Consulting support, case strategy, expert witness preparation, deposition  
Outcome: Out of court settlement immediately before trial at a value below client's last offer, plus interest  
Contact: Jack Fleming, Arter & Hadden (949) 252-3135

Client: City of Indio (1996)  
Law Firm: Best, Best & Krieger  
Case: Indio v. Miller  
ADK&A Role: Consulting support re: financing availability and redevelopment practice  
ADK&A Activities: Consulting and preparation of cross-examination  
Outcome: Favorable settlement  
Contact: Michael Andelson, Best, Best & Krieger (619) 568-2611

Client: LA County Dept. of Beaches and Harbors  
Law Firm: Nossaman, Guthner, Knox & Elliott  
Case: Various rent arbitrations  
ADK&A Role: Extensive consulting (Faith F. Backus and Allan D. Kotin) and expert witness services (Allan D. Kotin)  
ADK&A Activities: Consulting, preparation of exhibits, assistance in cross-examination of witnesses, and expert testimony  
Outcome: Resetting of rent rates generally favorable to the client  
Contact: Alvin S. Kaufer, Nossaman, Guthner, Knox & Elliott, (213) 612-7828

Client: City of Banning (1990)  
Law Firm: Best, Best & Krieger  
Case: Overseas Title Relations, Inc. v. City of Banning  
ADK&A Role: Consulting and expert witness  
ADK&A Activities: Consulting  
Outcome: Settlement  
Contact: Victor Wolf, Best, Best & Krieger (714) 686-1450

Client: Marina International Properties Limited Bankruptcy  
Law Firm: Skadden, Arps, Slate, Meagher & Flom  
ADK&A Role: Consultation and advice / Allan D. Kotin and Faith F. Backus  
ADK&A Activities: Research, analysis, preparation of declarations  
Outcome: Eventual adoption of reorganization plan proposed by debtor  
Contact: Peter Clapp, Skadden, Arps, Slate, Meagher & Flom (213) 687-5000

Client: Rouse & Associates (1993)  
Law Firm: Brobeck, Phleger & Harrison  
Case: Sorrento Mesa Partners, Inc. v. Rouse & Associates  
ADK&A Role: Expert testimony, consultation  
ADK&A Activities: Analysis, preparation, deposition and testimony  
Outcome: Adverse Motion for Summary Judgment granted by judge  
Contact: Robin Werner, Brobeck, Phleger & Harrison (619) 234-1966

Client: City of Vista  
Law Firm: Higgs, Fletcher & Mack  
Case: Law suit against city and bankruptcy of Vista Gateway  
ADK&A Role: Expert witness, advisor  
ADK&A Activities: Preparation, advice, deposition, testimony in bankruptcy court  
Outcome: Law suit settled in favor of client. Bankruptcy resolved with the return of property to city.  
Contact: Michael Boyle, Higgs, Fletcher & Mack (619) 236-1551

Client: Jackson National Life  
Law Firm: Pillsbury, Madison & Sutro  
Case: Jackson National Life v. the City of Hawthorn

ADK&A Role: Expert witness  
ADK&A Activities: Preparation, declarations  
Outcome: Settlement out of court  
Contact: David Van Etten, Pillsbury, Madison & Sutro (213) 488-7257

Client: Southern Pacific Railroad  
Law Firm: Brown, Winfield & Canzoneri  
Case: Constructive condemnation of railroad right of way  
ADK&A Role: Expert testimony  
ADK&A Activities: Evidence preparation, deposition, testimony  
Outcome: Favorable ruling on issue of pre-condemnation damages; award of \$600,000 to client  
Contact: Vicki Land, Brown, Winfield & Canzoneri (213) 687-2100

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