

Matthew H. Connors

Mr. Connors is a Managing Director at RMA and leads RMA's business and intellectual property valuation practice. His expertise includes expert witness services in complex commercial litigation disputes and valuing equity securities in and outside of litigation disputes. Mr. Connors has testified in Federal and state courts multiple times. He is an expert in calculating economic damages, business valuation, intellectual property valuation, intangible asset valuation and damages related to such intangible assets. He has extensive expertise in preparing and rebutting expert opinions in the above areas. Mr. Connors' practice also includes valuation of intangible assets, intellectual property, and goodwill for purposes of post-transaction financial reporting. Mr. Connors has extensive experience investigating fraud schemes of various types. He has spent significant time investigating alleged fraud schemes including Ponzi schemes, misappropriation of assets, Foreign Corrupt Practices Act investigations, and evaluating business solvency.

He is an Accredited Senior Appraiser in business valuation, a Certified Public Accountant, Accredited in Business Valuation by the AICPA, and a Certified Fraud Examiner.

Employment History

March 2010 to present Rocky Mountain Advisory, LLC
Salt Lake City, Utah

October 2002 to March 2010 PricewaterhouseCoopers, LLP
Salt Lake City, Utah
Forensic Services

January 2002 to October 2002 Call & Hartle, LLC
Salt Lake City, Utah
Tax Preparation and Financial Statement Preparation

Employed by Symphony Homes between April and August 2007.

Education

Master of Business Administration, 2004
University of Utah, Salt Lake City, Utah

BS Accounting, 2002. Magna Cum Laude
BS Information Systems, 2002. Magna Cum Laude
University of Utah, Salt Lake City, Utah

Professional Credentials

Accredited Senior Appraiser (Business valuation)
Certified Public Accountant (Utah license)
Accredited in Business Valuation by the AICPA
Certified Fraud Examiner

Professional Memberships

American Society of Appraisers
American Institute of Certified Public Accountants
Utah Association of Certified Public Accountants
Association of Certified Fraud Examiners
Association of Insolvency and Restructuring Advisors

Publications

“How the Book of Wisdom Impacts Lost Profits,” Attorney at Law Magazine, Greater Salt Lake City Edition, Vol. 3 No. 1.

“Performing Business Valuations for Companies with Financial Difficulties,” Valuation Strategies, July/ August 2014.

“Litigating Business Value,” Attorney at Law Magazine, Greater Salt Lake City Edition, Premier 2013.

“How Business Valuation Methods Help Uncover Lost Profits,” Valuation Strategies, September/October 2013.

“Avoiding Ponzi Schemes: The Lure, The Fraud, The Reality, and The Agony,” The Journal Entry, July 2011.

“Business Valuation Applications to Economic Damages for Lost Profits,” Utah Bar Journal, January/February 2011.

Professional Experience

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| Business and Intellectual Property Valuation | Performed valuations of various businesses. Prepared and analyzed business valuations, with varying degrees of scope, for companies in a variety of industries including: advertising and marketing, aerial chemical application, animal rendering plant, assisted living centers, automotive dealerships, biotechnology, cabinetry and furniture manufacturing, cellular phone retailers, commercial property management, consumer products (durable and non-durable goods), dental practices, for-profit education services, fiberglass insulation component manufacturing, freight forwarding brokerages, funeral homes, home furnishing retailers, home care providers, human-factors engineering, metal retailer, nuclear waste disposal and site remediation, oil and gas, oil and gas support services, physician groups, professional service firms, real estate development, registered investment advisory firms, ski resorts, small parcel delivery and logistics, software as a service (“Saas”), software developers, vitamin and nutritional supplement contract manufacturers, and others. |
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Experienced at valuing interests in operating companies as well as holding companies. Valuation of start-up entities and mature enterprises. Proficient in valuing preferred and common securities.

Valuation of derivative securities such as stock options and incentive units for fair value and fair market value purposes.

Performed and analyzed various intangible and business valuations for financial reporting and purchase price allocations under Generally Accepted Accounting Principles. Performed fair market value valuation for transactional purposes, income

tax reporting, and various matters in a litigation setting. Performed fair value valuations related to owner disputes, oppressed shareholder, and squeeze-out disputes.

Valued goodwill and goodwill impairment.

Valued personal goodwill distinct from enterprise goodwill.

Performed numerous valuations on controlling and non-controlling interests as well as recognizing the applicability of, developing, and applying marketability discounts and other relevant discounts.

Valued privately held businesses ranging in size from pre-revenue to \$200 million in revenue. Valued businesses with complex capital structures including varying issues of differing classes of equity and allocated value to each class of equity utilizing Black-Scholes Option Pricing model.

Performed valuations of various types of intangible assets including operating assets, trade names, trademarks, patents, customer relationships, non-competition agreements, etc. Calculated economic damages related to various intellectual property related disputes.

Calculated the fair value of shareholder/ partner ownership interests for shareholder oppression and dissenting shareholder matters. Submitted valuation reports regarding same to be relied on as part of larger disputes.

Provided expert witness testimony numerous times regarding business valuation and business valuation methodologies.

Economic Damages and Lost Profits

Performed and rebutted numerous calculations of lost profits. Rebutted lost profits calculations for an early-stage division within an established business with little operating history. Prepared a written expert report of findings including calculations demonstrating mathematical and theoretical errors made by the opposing expert. Identified various assumptions the opposing expert made in forming his conclusions. Testified regarding same.

Performed a lost profit calculation that included valuing the business entity as a result of the business being prevented from launching. Identified and exposed that the opposing expert did not follow the framework recommended by the AICPA for calculating lost profits. Identified metrics regarding the plaintiff's business history that indicated the projected losses were inflated. Identified apparent biases and theoretical procedures used by the opposing expert to inflate the alleged loss. Identified various common business valuation and lost profits principles that were not employed

Rebutted lost profits calculations related to an alleged contract breach related to the earnout provisions of a business acquisition. Identified flaws in the opposing expert's methodology related to statistical analyses that were performed and should have been performed. Identified various principles of calculating lost profits that were not employed.

Served as an arbitrator in binding arbitration.

Calculated lost profits related to an alleged contract breach impeding an estate from developing, subdividing, and selling real property. Properly followed lost profits theory. Calculated various scenarios of economic damages that included efforts to mitigate losses.

Calculated business losses related to trademark disputes. Calculated the value of damages related to trademark infringement and libel. Calculation included lost profits and costs required to reeducate consumers. Demonstrated a relationship between infringement and adversary sales.

Performed extensive financial analysis on opposing party's financial statements filed with the Securities and Exchange Commission. Outlined evidence of cash flow distress as shown in adversary's annual and quarterly financial statements. Drafted portions of an expert report that became the basis of our testimony.

Analyzed and rebutted plaintiff expert's damage calculation of approximately one-half billion dollars. Specifically, identified flaws in assumptions made related to discount rates, data relied upon, theories used, and accounting methodologies used in the settlement of the case.

Construction dispute. Analyzed pipeline construction process, causes of inefficiency, and late completion. Extensive use and knowledge of Microsoft Access to capture and organize data. Gained familiarity with terminology, equipment, and processes related to construction.

Calculated personal injury losses. Assessed damages suffered in personal injury cases including lost earnings, projected future lost earnings, medical expenses, projected medical expenses, prejudgment interest, etc. Calculated losses related to medical malpractice claims, and wrongful death.

Fraud Investigations

Performed international investigations related to Foreign Corrupt Practices Act Violations. Discovered details of violations and exposed previously unknown violations. Performed data analysis by creating, importing, and querying data using databases. Interviewed individuals, analyzed documents, and communicated in written correspondence related to our analysis entirely in Portuguese.

Performed analysis using Microsoft Excel to uncover trends in stock options backdating. Performed further analysis using Microsoft Access to target specific stock option grants that potentially violated Accounting Principles Board Opinion No. 25 and/or company policy.

Investigated and quantified whether escrow and trust accounts were in-tact. Quantified deficits in trust accounts. Traced sources and uses of trust funds and whether funds had been disbursed for illicit purposes. Reported to regulatory agencies the conclusions of our analysis.

Investigated a number of alleged Ponzi schemes. Worked with government agencies to compile tens of thousands of records of data from various sources into one database. Traced cash receipts and disbursements by entity and by transaction type.

Efficiently analyzed and organized thousands of cash transactions demonstrating characteristics of Ponzi activity. Drafted expert report in compliance with Federal Rule of Civil Procedure 26 to be the basis of a testimony to be given at trial.

Fraudulent financial reporting of a publicly traded entity. Electronic analysis of large amounts of General Ledger accounting data using Microsoft Access in order to uncover questionable transactions. Performed a review of expense reporting in relation to company policy. Communicated findings to managers and partners in written and oral format, which later became the basis of a written report to our client. Oversaw and directed work of other staff in multiple cities.

Fraud charges against a federally funded entity. Assisted preparing client for congressional hearing regarding charges of fraud. In a database, performed data queries and analysis designed to uncover misappropriation of assets. Analyzed systems of controls for fraud opportunities related to multimillion dollar subcontract. Provided framework to audit transactions of a multi-year vendor contract.

Assessed, documented, and recommended improvements to client internal controls to ensure that mutual fund trading practices were in accordance with the Investment Company Act of 1940.

Analyzed accounting practices of our client in order to form the basis for our testimony regarding federal accusations of defrauding a board of trustees. Assisted in the preparation of the defense that lead to the dismissal of the case. Helped in the preparation of evidence that undermined the opposition's key witness' testimony. Prepared evidence that disproved the opposition's allegations that our clients hid transactions from financial statement users.

Investigation of publicly traded entity charged with fraudulently inflating operating metrics to obtain ongoing government funding. Interviewed key personnel within the company, sampled documents, and performed independent investigation of allegations.

Language Proficiency

Speaks, reads and writes Portuguese fluently

Expert Witness Testimony Experience

Ed Haddadin and Ayman Haddadin v. Overstock.com, Inc.
Utah State Court, Third Judicial District Court, Salt Lake County
Case No. 110911155
Deposition

Edward A. Spilsbury v. K. Ron Metcalf, et al.
Utah State Court, Fifth Judicial District Court, Washington County
Case No. 100504288
Deposition

Kirk Lewis v. PC Crane Services, LLC et al.
Utah State Court, Third Judicial District Court, Salt Lake County
Case No. 120905973
Deposition

Kirk Lewis v. PC Crane Services, LLC et al.
Utah State Court, Third Judicial District Court, Salt Lake County
Case No. 120905973
State Court Hearing

Rick Stratford v. Peterson Capital I, LLC, et al.
Utah State Court, Third Judicial District Court, Salt Lake County
Case No. 120900633
Deposition

Hibbert v. Hibbert
Utah State Court, Second Judicial District Court, Davis County
Case No. 114701120
State Court Trial

Ed Haddadin and Ayman Haddadin v. Overstock.com, Inc.
Utah State Court, Third Judicial District Court, Salt Lake County
Case No. 110911155
State Court Trial

Robert Kirk Waits v. Viersen Oil & Gas Co.
Oklahoma State Court, Tulsa County
Case No. CJ-2011-4325
Deposition

Diana Peterson v. Jordan Clements
Arbitration
Case No. 120902599
Arbitration

Energy Claims Limited v. Catalyst Investment Group, et al.
Utah State Court, Third Judicial District Court, Salt Lake County
Case No. 090900505
State Court Hearing

Energy Claims Limited v. Catalyst Investment Group, et al.
Utah State Court, Third Judicial District Court, Salt Lake County
Case No. 090900505
Deposition

ADC Venture 2011-2, LLC v. BJBDC, Inc.
Utah State Court, Third Judicial District Court, Salt Lake County
Case No. 140907726
Deposition

ADC Venture 2011-2, LLC v. BJBDC, Inc.
Utah State Court, Third Judicial District Court, Salt Lake County
Case No. 140907726
State Court Trial

Energy Claims Limited v. Catalyst Investment Group, et al.
Utah State Court, Third Judicial District Court, Salt Lake County
Case No. 090900505
State Court Trial

V3 World Management Inc. v. Synergy Worldwide, Inc.

United States District Court, District of Utah, Central Division
Case No. 2:16-CV-00323
Deposition

HealthBanc International, LLC v. Synergy Worldwide, Inc. et al.

United States District Court, District of Utah, Central Division
Case No. 2:16-CV-00135
Deposition

VidAngel, Inc.

US Bankruptcy Court, District of Utah, Central Division
Case No. 17-29073
Deposition

VidAngel, Inc.

US Bankruptcy Court, District of Utah, Central Division
Case No. 17-29073
Federal Bankruptcy Court

BJBDJC, Inc. dba Hairware v. Executive Hair Suppliers, LLC et al.

Utah State Court, Third Judicial District Court, Salt Lake County
Case No. 180900501
Preliminary Injunction Hearing

Coester v. Coester

Utah State Court, Third Judicial District Court, Salt Lake County
Case No. 154900260
State Court Trial

Donald K. Mecham et al. v. Dennis Gay et al.

American Arbitration Association
Case No. 01-17-004-2148
Deposition

Robert Hampton v. State of Utah Department of Corrections, et al.

United States District Court, District of Utah, Northern Division
Case No. 01:18-CV-00079
Deposition

Kyle Armstrong et al. v. Amber Sabin et al.

United States District Court, District of Utah, Central Division
Case No. 2:20-CV-00261
Federal Court Trial

Ice Castles, LLC v. LaBelle Lake Ice Palace, LLC, et al.

United States District Court, District of Idaho
Case No. 4:18-CV-00571
Deposition

BJBDJC, Inc. dba Hairware v. Executive Hair Suppliers, LLC et al.

Utah State Court, Third Judicial District Court, Salt Lake County
Case No. 180900501
State Court Trial

Donald K. Mecham et al. v. Dennis Gay et al.

American Arbitration Association
Case No. 01-17-004-2148
Arbitration

Todd S. Winegar v. Bringard Millworks, LC et al.

Utah State Court, Third Judicial District Court, Salt Lake County
Case No. 2-01-905001
Preliminary Injunction Hearing

Burke Priest v. Jared Zaugg

Utah State Court, Third Judicial District Court, Salt Lake County
Case No. 2-10-903091
State Court Trial

Siegel v. Siegel

Utah State Court, Second Judicial District, Weber County
Case No. 2-04-901846
State Court Trial

John Tullis and Amelia Tullis v. IHC Health Services, Inc. dba Primary Children's Hospital et al.

Utah State Court, Third Judicial District Court, Salt Lake County
Case No. 1-90-0907183
Deposition

J&R Swift, LLC et al. v. Kathy Richmond, Inc. et al.

Utah State Court, Second District Court, Davis County
Case No. 1-80-701133
State Court Trial

Grey Rock Cementing, Inc. and Miles Well Service, Inc. v. Tina Harbison

Utah State Court, Eighth District Court, Duchesne County
Case No. 2-10-00009
Valuation Hearing

Arthur F. Jepperson v. Dustin Harrow, et al.

Utah State Court, Fourth District Court, Utah County
Case No. 2-00-400687
Deposition

Summit Mountain Holding Group, LLC v. Summit Village Development Lender 1, LLC, Grand Canyon Development Holdings 3, LLC et al.

United States District Court, District of Utah
Case No. 1:21-CV-00110
Deposition

Bradley P. Bills v. Platinum Dental Care

Utah State Court, First District Court, Cache County
Case No. 2-00-100308
Trial

Arthur F. Jepperson v. Dustin Harrow, et al.

Utah State Court, Fourth District Court, Utah County
Case No. 2-00-400687
Trial

CIMC Oakwood, LLC v. NIN-APT, L.C.

American Arbitration Association
Case No. 01-22-0001-8204
Arbitration

Bonnie Stejskal and Nature's Paradise, LLC v. Nature's Sunshine Products, Inc.

American Arbitration Association
Case No. 01-22-0003-3208
Deposition

Joan Vandergriff and Health Ministries, LLC v. Nature's Sunshine Products, Inc.

American Arbitration Association
Case No. 01-22-0003-3209
Deposition

Jacquelyn Pinkham and Colorado Sunshine Corporation v. Nature's Sunshine Products, Inc.

American Arbitration Association
Case No. 01-22-0003-3201
Deposition

Judy James v. Nature's Sunshine Products, Inc.

American Arbitration Association
Case No. 01-22-0003-3197
Deposition

Brad Chaney, Penny Chaney and Chaney Distributors, Inc. v. Nature's Sunshine Products, Inc.

American Arbitration Association
Case No. 01-22-0003-3187
Deposition

Cricut, Inc. v. Enough for Everyone, Inc.

United States District Court, District of Utah
Case No. 2:21-cv-00601
Deposition

References

Available upon request

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Salt Lake City, UT 84101

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