

APPENDIX A

QUALIFICATIONS OF BRUCE G. DUBINSKY

(As of October 2024)



Bruce Dubinsky

Founding Member

Contact

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Experience

- Fraud Investigations
- Forensic Accounting
- White Collar Criminal Fraud
- Complex Tax Controversy Cases
- Commercial Damage/Lost Profits Analysis
- Bankruptcy Investigations
- Investment/Securities Damages/Suitability
- Campaign Finance Compliance/Investigations

Education

Master of Science in Taxation, (high honors), Georgetown University, Washington, D.C., 1986

Bachelor of Science in Accounting, University of Maryland, 1983

Various Continuing Education Courses for Licensing Requirements

Bruce G. Dubinsky, CPA, MsT, CFF, CFE, CVA, CAMS, MAFF is the founding member of Dubinsky Consulting, LLC. His practice is focused on providing dispute consulting services to a variety of clients, including law firms, corporations, governmental agencies, law enforcement bodies and self-regulatory organizations. Bruce frequently works on complex litigation cases where the claims in many instances are in the billions of dollars.

Bruce is a forensic accountant with more than 40 years of financial investigative and dispute consulting experience having worked on hundreds of complex and high-profile engagements throughout his career. He has provided testimony as an expert witness over 100 times and has testified in over 80 trials, many of which were jury trials and has testified in international cases as well. Bruce has testified before the United States Congress in a public hearing regarding recent presidential impeachment proceedings.

Bruce has been qualified and testified as an expert witness in cases involving criminal and civil financial fraud, Ponzi schemes, SEC and FINRA enforcement actions, commercial business damages, business valuations, federal income, estate and gift taxation, GAAP, GAAS, and related accounting issues as well as and bankruptcy matters. He has been employed on numerous occasions as a testifying expert for federal income tax matters by the United States Department of Justice (DOJ), Tax Division, as well as the Office of Chief Counsel for the Internal Revenue Service.

Prior to forming Dubinsky Consulting, he was the managing director for Kroll (*f/k/a* Duff & Phelps) in their Expert Services practice and was responsible for growing their practice for over a decade. Prior to Kroll, Bruce was the managing director of Dubinsky & Company, P.C, a dispute consulting firm specializing in forensic accounting, fraud investigations and commercial dispute consulting which, in 2008, was acquired by Duff and Phelps. Earlier in his career, he held leadership positions for various real estate development and public accounting firms.

He is a Certified Public Accountant, Certified Fraud Examiner, Certified Anti-Money Laundering Specialist, Certified Valuation Analyst, Certified in Financial Forensics, and earned a certificate as a Master Analyst in Financial Forensics.



Summary of Experience

Expert Testimony

- Hired as a testifying expert on an insider trading case by the defense for a lawyer charged with conspiracy and insider trading crimes. Testimony surrounded SEC investment matters including information that was publicly available information related to a proposed merger of two publicly traded pharmaceutical companies.

“I find his experience and expertise impressive and that he’s qualified to testify as an expert on this issue.”

The Honorable Joan M. Azrack
United States District Court for the Eastern District of New York

- Hired by the United States Department of Justice as the testifying forensic accounting expert in the Madoff 5 criminal trial in the U.S.D.C. - S.D.N.Y. in 2013 to testify as to the nature of the Madoff Ponzi and the extent of the fraud in the organization.

“My antennas were up,” says Sheila Amato, a schoolteacher who served on the jury, who remembers feeling that some of the defendants were guilty after Dubinsky’s presentation. “But at that point, I wasn’t sure if they all were.”

Sheila Amato, Juror- Criminal Trial USDC-SDNY– “The Madoff 5”¹

23|Q. You plainly conducted a very extensive investigation of

24|Madoff Securities.

25|A. Thank you.

64:1|Q. I meant it as a question, not a complaint. If you take

2|it as a complaint, that’s fine. I think it is unanimous that

3|you were thorough, I think. Either you or people working for

4|you looked at millions and millions of documents, correct?

5|A. That is correct, yes.

Cross Examination - Criminal Trial U.S.D.C. – S.D.N.Y

¹ THE MADOFF FIVE: History’s Greatest Fraud Yields One Of The Greatest Legal Slugfests Of Our Time, Behar, Richard, Forbes December 31, 2014, <http://tinyurl.com/j6m6h9c>



- Hired as the testifying expert witness by the law firm of Baker & Hostetler LLP (“Baker”), counsel for Irving H. Picard, Trustee (“Trustee”) for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) and Bernard L. Madoff (“Madoff”), to provide forensic accounting analysis and render certain expert opinions related to the Madoff Ponzi.
- Hired by the United States Department of Justice Tax Division as the testifying forensic accounting expert in the largest individual criminal tax fraud case in the history of the United States to testify about a 30 yearlong offshore scheme designed to conceal income that was properly taxable to the United States.
- Hired by the United States Department of Justice as the testifying forensic accounting expert in the Samuel E. Wyly and Caroline D. Wyly bankruptcy cases in the U.S. Bankruptcy Court- N.D. Texas to testify regarding alleged tax fraud involving an elaborate off-shore trust and corporate structure utilized by the Wyly’s for over twenty years to avoid paying federal income and gift taxes in the United States.
- Hired by the court appointed Election Monitor as the forensic investigator on campaign finance fraud for the United States Department of Justice through appointment by the U.S. District Court for the Southern District of New York for the 2015-2016 International Brotherhood of Teamsters (IBT) Union Delegate and Officer Election.
- Hired as a testifying damages expert in a case involving lost profits and damages arising from alleged trespassing and unauthorized utilization of an internet service provider network.
- Hired as a testifying expert in a case involving allegations related to a prominent real estate developer of public corruption and tax fraud in the District of Columbia.
- Hired by the United States Department of Justice as the testifying forensic accounting expert in a criminal case involving alleged tax fraud utilizing offshore captive insurance schemes.

*“GVI (Government of the Virgin Islands) did not demonstrate in the arbitration that the audit Recapitulation performed by Dubinsky was inappropriate or unreliable. To the contrary, the GVI’s random testing of Dubinsky’s audit reconciliations in cross-examination **demonstrated the reliability of Dubinsky’s work product and opinions.**”²*

The Honorable James T. Giles (Ret.)
Former Chief Judge, U.S. District Court for the Eastern District of Pennsylvania

- Hired as a testifying expert witness in a case involving alleged international public corruption in connection with the purchase of a state-owned industrial manufacturing plant.
- Hired as a testifying expert witness by AMTRAK regarding damages from Superstorm Sandy and damage sustained by the railroad.
- Hired as a testifying expert on a case arising out of the financial crisis involving alleged fraud in connection with the merger of Merrill Lynch and Bank of America, two of the largest financial

² John K. Dema, P.C. v. Government of the U.S. Virgin Islands, Arbitration Order, November 2016.



institutions in the United States. Hired as one of the lead forensic accounting investigators who worked on the Lehman Brothers bankruptcy investigation conducted by the Special Examiner appointed by the bankruptcy trustee for the Lehman Brothers bankruptcy estate, the largest bankruptcy filing in United States history.

- Hired as a testifying forensic accounting expert for the defense in the Parmalat SpA fraud case, one of the world's largest accounting fraud cases to date. Provided expert testimony in a multi-day deposition regarding various matters including the nature of the frauds perpetrated, methods utilized by various alleged fraudsters and the underlying transactions at issue.

"Dee has three years of college, no business or legal experience, and was faced with a set of transactions much more complicated than the ones at issue in Reser—transactions which the IRS' expert—a highly experienced forensic accountant—called 'if not the most complicated, one of the most complicated cases' that he had ever investigated." ³

The Honorable Barbara J. Houser
Chief Judge - In the United States Bankruptcy Court for The Northern District of Texas -Dallas
Division

- Hired by FINRA Department of Enforcement as a testifying forensic accounting expert in a case involving alleged fraud by an investment advisor.
- Hired as a testifying damages expert for the defense in a case with nearly \$1 billion dollars of alleged damages for an alleged patent licensing breach of contract case involving hard disk drive spindle motors and related hard disk drive component products.
- Hired as a testifying damages expert in a case involving allegations of theft of trade secrets related to a military defense business in the United States.
- Hired as a testifying forensic accountant and damages expert in a case involving hundreds of millions of dollars of consumer credit card and debt accounts in several asset-backed securitization vehicles.
- Hired by FINRA Department of Enforcement as a testifying forensic accounting expert in a case involving alleged fraud by a broker/dealer and a related investment vehicle.
- Hired on behalf of Siemens Energy Inc. as a testifying expert on issues related to alleged damages from a contract termination in South America related to a power plant.
- Hired as a testifying forensic accountant expert in over twenty cases surrounding alleged fraudulent tax shelters involving hundreds of millions of dollars in unpaid federal income taxes.

³ IN RE: SAMUEL EVANS WYLY, et al. US Bankruptcy Court- Northern District Dallas Case No. 14-35043-BJH.



- Hired as a testifying forensic accountant for the defense of a prominent banking lawyer in a white-collar criminal case involving allegation of bankruptcy and tax fraud.
- Hired as a testifying forensic accountant for the defense of the former Governor of Puerto Rico in a white-collar criminal case involving allegations of campaign finance fraud and tax fraud.
- Hired as a testifying damages expert in a health care insurance case involving breach of contract and other claims.
- Hired as a testifying damages expert by DuPont in a case involving lost profits arising from intentional disruption of distributorship channels.
- Hired as a testifying damages expert in a case against a mutual fund related to allegations of overcharging management fees to its retail customers.
- Hired as a testifying damages expert by a subsidiary of DuPont in a case involving the alleged sale of tainted food stabilization products to a food processing plant.
- Hired as the forensic accountant to investigate fraud allegations on behalf of the Washington Teachers' Union where the presiding officers were alleged to have embezzled millions of dollars from union coffers.

Law Firm Clients⁴

Akin Gump LLP	Bryan Cave LLP	K&L Gates LLP	Quinn Emanuel Urquhart & Sullivan LLP
Anderson Kill & Olick, PC	Crowell & Moring LLP	Kirkland & Ellis, LLP	Reed Smith LLP
Arnold & Porter	Gibson Dunn & Crutcher LLP	Latham Watkins LLP	Sidley Austin, LLP
Baker Botts LLP	Greenberg Traurig LLP	McGuire Woods LLP	Skadden, Arps, Slate, Meagher & Flom LLP
Baker Hostetler, LLP	Hogans Lovells LLP	McKool Smith LLP	Venable LLP
Bingham McCutchen LLP	Jackson Lewis LLP	Morris James LLP	Wilmer Hale LLP
Boies, Schiller & Flexner LLP	Jenner & Block LP	Orrick, Herrington & Sutcliffe, LLP	
Bondurant Mixson & Elmore LLP	Jones Day, LLP	Polsinelli PC	

⁴ Listing is a partial listing of law firms who have engaged Bruce Dubinsky.



Certifications

- Certified Public Accountant, State of Maryland, 1985 - 2022
- Certified Public Accountant, State of Florida, 2021- pres.
- Certified Fraud Examiner, 1998 – pres.
- Certified Anti-Money Laundering Specialist, 2017 – pres.
- Certified Valuation Analyst, 1998- pres.
- Master Analyst in Financial Forensics, 2008 – pres.
- Certified in Financial Forensics, 2010 – pres.
- Commercial Arbitrator, 2002-2004
- Registered Investment Advisor Representative (former), 1999-2008

Other

- Former Member - Advisory Council for the Center for the Study of Business Ethics, Regulation and Crime (C-BERC) at the Smith School of Business, University of Maryland.
- Former Member Advisory Board - LexisNexis Fraud Defense Network
- Chairman Emeritus of the Board of Regents for the Association of Certified Fraud Examiners
- Association of Certified Fraud Examiners Board of Regents
- Instructor of Exceptional Distinction Award- NACVA
- Named one of the “Top 100 Most Influential People in the Accounting Profession” by Accounting Today
- Fraud Examiner of the Year - Washington Metropolitan Chapter of Certified Fraud
- Former member of the Editorial Board of The Value Examiner
- Former contributing editor for the CPA Digest
- Frequent media appearances in numerous print media as well as appearing on local and national television and radio newscasts, to discuss various tax, accounting and fraud issues.
- Bruce frequently lectures at the college level on issues relating to forensic accounting and accounting ethics. He has presented seminars to law firms, professional groups and law enforcement bodies, including the Federal Bureau of Investigation.