

Jennifer A. Prager, CPA, CFE

Manger – Litigation Support Services

CURRICULUM VITAE

Educational Background

Bachelor of Science – Managerial Economics
University of California, Davis

Professional Status

Manager, Holmes & Company, LLP, Portland, Oregon
Certified Public Accountant, Oregon
Certified Fraud Examiner
Member, Association of Certified Fraud Examiners

Professional History

Holmes & Company, LLP (2010 – Current)
Jennifer A. Prager CPA, CFE (2007 – 2010)
Hemming Morse, Inc. (2001 – 2007): Associate through Manager

Ms. Prager is a Manager of Litigation and Support Services at Holmes & Company, LLP, a mid-sized full-service Certified Public Accounting firm located in Portland, Oregon. Ms. Prager has approximately 10 years of professional experience in the areas of accounting, financial forensics, damages and taxation. Ms. Prager serves as a plaintiff and defense counsel consultant in complex litigation cases involving accountants’ professional liability, securities lawsuits, fraud and embezzlement, commercial contract litigation, intellectual property, “white-collar” criminal defense, anti-trust (monopoly), and employment litigation.

Ms. Prager is a member of the Association of Certified Fraud Examiners.

Community Involvement

Forest Hills Elementary School - PTO Treasurer

Case History

Commercial Contract Dispute (DSL Wholesaler vs. National Telecommunications Provider): Consultant for Plaintiff that had entered into a Merger Agreement with the Defendant. Defendant had agreed to acquire the Plaintiff, but ultimately breached the merger agreement. Through market research and analysis of the Plaintiffs accounting records, prepared a calculation of the consequential loss in value of the DSL business.

Construction Dispute (Individual vs. General Contractor): Consultant for Plaintiff that alleged the Defendant had been negligent in the construction of the Plaintiff's home. Through a review of the invoices submitted by the Defendant, and paid by the Plaintiff, as well as a construction experts analysis of cost to bring construction to code, prepared a damage report for the expert to utilize in testimony.

Construction Dispute (Individual Homeowner vs. General Contractor): Consultant for Plaintiff that alleged the General Contractor had overcharged on a large home remodel. Assisted expert by reviewing all invoices and accounting records to quantify and substantiate charges.

Contract Dispute (Partnership vs. Former Partner): Consultant for Defendant, an entertainment attorney. Plaintiff alleged that Defendant misappropriated client files and breached the partnership agreement by leaving the firm and taking clients. Plaintiff claimed that in accordance with the Partnership Agreement it was entitled to a percentage of income Defendant received from the Plaintiff's former clients. Defendant claimed that the clients had terminated their agreement with the Plaintiff and entered into a new and separate agreement with Defendant. Through a review of client agreements, and the related cash flow resulting from the clients various projects, prepared an analysis of amounts due to Plaintiff.

Contract Dispute (Multiple Car Dealerships vs. Manufacturer and Distributor of Motor Vehicles): Consultant for Defendant. Plaintiffs alleged Defendant had dumped inventory at their dealerships and increased the balance of their installment loans, without their consent. Determined damages resulting from carrying the excess inventory based on the governing agreements.

Contract Dispute (Trucking Company vs. Agriculture Distributor and Processor): Consultant for Defendant. Plaintiff alleged that Defendant had underpaid Plaintiff for services spanning over ten years. Reviewed and reconciled the Plaintiff's and Defendant's databases to determine and resolve discrepancies.

Corporate Veil and Breach of Fiduciary Duty (Family Shareholder vs. Family Owned Business and Sibling Shareholders): Consultant for defense counsel in lawsuit brought by a sibling shareholder of a substantial family owned farming enterprise where plaintiff alleged usurpation of corporate opportunity and breach of fiduciary duties, and where plaintiff sought to pierce the corporate veil and receive a court ordered liquidation and distribution of all corporate assets. Analyzed financial statements and general ledger detail from inception for numerous entities to develop defense exhibits, diagram flow of funds, develop valuation expectations and settlement options, and prepared testimony and related trial exhibits for experts testimony. Result: Settlement.

Corporate Veil (Hendgen McMinnville LB LLC vs. Summercrest Development, LLC): Consultant for plaintiff counsel in trial regarding counterclaim brought by defendant alleging corporate “milking” and other allegations in an attempt to pierce the corporate veil. Evaluated financial statements and transactions, contracts and other documents. Analyzed claims and provided testimony at trial. Result: Jury verdict for my client, plaintiff.

Employment (Former Employee vs. State of California): Consultant for Plaintiff, a former state employee. Calculated damages and prepared damage report based on wrongful termination due to age discrimination. Expert testified at trial and jury awarded damages in the amount calculated in damage report.

Insurance Dispute (Individuals vs. National Insurance Company): Consultant for Defendant, a national insurance company. Defendants disputed the amount that they received as a result of their claim for loss of business income. Reviewed the Plaintiffs’ financial records and determined what their period of loss was and what the actual loss of business income was, in accordance with the Plaintiffs’ insurance policy.

Intellectual Property (National Government Body for Scientific Research vs. Manufacturer of Networking Equipment): Acted as consultant for Plaintiff counsel. Plaintiff had developed the technology Developed a “reasonable royalty” based on the fifteen “Georgia-Pacific factors.” Through a review of the Defendant’s financial records, was able to determine the amount of infringing sales, and profit margins on the infringing products. Calculated the amount of damages suffered as a result of alleged infringement by the Defendant.

Misappropriation of Assets (Owners of a Hotel vs. Hotel Management Company): Plaintiff alleged that the Defendant had misappropriated assets belonging to the hotel. Defendant had altered bank statements before presenting them to the owners of the Hotel, and had created financial statements that did not faithfully report the Hotel’s financial condition. Through review of the accounting records and supporting documents, was able to determine amounts that were legitimate. Prepared a report and supporting schedules detailing the amount of misappropriation by the Defendant, and also highlighting ways that the Defendant had misrepresented the Hotel’s financial condition.

Partnership Dispute (2 Individuals vs. Terminated Investment Manager): Consultant for Plaintiff, a terminated investment manager and general partner of certain private investment funds. Assisted expert in performing an accounting of the partnerships assets, and to assess the amount of management fees owed, and the balance of Plaintiff's capital accounts.

Personal Injury (Individual vs. City of Menlo Park): Consultant for the Defendant. The Plaintiff alleged that the Defendant had failed to maintain and properly mark a public path. The Plaintiff alleged that due to the Defendant's negligence, he had crashed on his bike, and was unable to work. Reviewed the Plaintiff's claim and prepared a loss of income analysis.

Professional Malpractice (Members of a Hardware Cooperative vs. Big 5 Accounting Firm): Consultant for Plaintiff. Reviewed the audit work-papers and prepared a report assessing the ways that the Plaintiff's financial statements failed to be prepared in accordance with GAAP and the way that the audit failed to be performed in accordance with GAAS.

Professional Malpractice & Securities Fraud (Enron Related Litigation): Consultant for Plaintiffs in various Enron related litigation. Assisted counsel in analyzing a number of structured transactions, and in determining whether Enron's financial statements were in accordance with GAAP, and assessing whether Arthur Andersen's audits were performed in accordance with GAAS.

Securities Fraud (8 Individual Investors vs. National Investment Advisory & Life Insurance Firm): Consultant for defense counsel of national investment advisory and insurance firm whose former employee was found guilty of embezzling investor funds (after he left employment with company) and violated the terms of his employment agreement while an employee of investment company. Through forensic accounting and analysis of investment accounts and transactions, developed alternate damage models, mediation exhibits and prepared counsel for depositions that significantly reduced damages to client. Result: Settlement.

Securities Fraud (14 Individual Investors vs. National Investment Advisory & Insurance Firm): Consultant for defense counsel of nationally known investment advisory and insurance firm whose former employee was accused of misusing investor funds and violating the terms of his employment. Through forensic accounting, analyzed complex and multiple transactions within multiple bank and other accounts, developed damage model utilizing various damage theories, and developed deposition exhibits for counsel utilizing results of forensic accounting.

Underinsured Motorist Claim (Undisclosed Individual vs. The Hartford Insurance Company): Damage consultant for defense counsel in lawsuit alleging lost wages and business income related to automobile accident. Plaintiff sued for policy limits and alleged that auto injuries forced them to sell one business and cease operations of another. Analyzed personal and business income tax returns, employment history, earnings history, purchase and sale agreements, deposition transcripts, and company financial records. Discovered through inquiry and numerous document requests that Plaintiff had determined to sell business prior to accident. Determined that second business was actually a hobby and not a for profit enterprise. Determined that losses sustained by plaintiff was a fraction of amounts alleged. Prepared comprehensive damage and forensic report. Result: Settlement.

Industry Experience

Automotive	Hotel & Tourism	Retail
Cooperative	Insurance	Services
Construction	Manufacturing	Software & Technology
Distribution	Entertainment	Telecommunications
Financial Institutions	Not-For-Profit	

Seminars

“Getting Certified” California Society of CPA, Emerging Professionals Peninsula Chapter, Palo Alto, California, November 2006.

“Getting Certified” California Society of CPAs Young Professionals Committee, San Francisco, California, August 2006, July 2005 and July 2004.

“Litigation Consulting Services” San Francisco State University Accounting Chapter, Hemming Morse Inc., San Francisco, California, 2004