

## John D. Agogliati III, CFA, ASA

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### **PRESENT POSITION**

Mr. Agogliati is a Senior Managing Director and National Practice Leader of the Dispute Resolution & Litigation Support Practice of Marshall & Stevens Incorporated. John also leads the Transaction Advisory Services practice. Mr. Agogliati's responsibilities include oversight of the litigation support and transaction advisory teams, providing reports and testimony in Federal, State and Arbitration arenas, in addition to growing the overall practice areas.

### **EXPERIENCE**

Mr. Agogliati is an experienced valuation and financial analysis professional with extensive experience in dispute resolution and business valuation. He has served as an expert witness in several matters involving bench trials, jury trials and panel arbitrations. These matters involved business interruption, breach of contract, product liability, shareholder oppression, legal malpractice, and accountant malpractice, among other types. Regarding his valuation experience, he has prepared hundreds of business valuations over his lengthy career. Mr. Agogliati has performed valuations of closely-held companies, financial instruments, derivatives and complex assets for litigation, transaction, estate tax, gift tax and financial reporting purposes. Mr. Agogliati has worked in a wide variety of industries including chemical, oil, pharmaceutical, gas, steel, paper, automotive, professional services, financial services and real estate.

### **EMPLOYMENT**

Mr. Agogliati began his valuation career in 1998 as a consultant in the valuation group of a 'Big-4' accounting firm. Prior to joining Marshall & Stevens, Mr. Agogliati was a member of the business valuation and litigation group of a New York based regional accounting firm for over 13 years; he co-led the group for the last six years of his tenure.

### **EDUCATION**

Mr. Agogliati earned a Bachelor of Science in Chemical Engineering with an economics minor from the P.C. Rossin School of Engineering at Lehigh University in Bethlehem, Pennsylvania. John then continued his education at Lehigh University by obtaining a Master of Business Administration degree in Finance.

### **PROFESSIONAL AFFILIATIONS**

Mr. Agogliati is a CFA® Charterholder and an Accredited Senior Appraiser (ASA) in business valuation. He is a member of the CFA Institute, the New York Society of Security Analysts and the American Society of Appraisers.

## **PUBLICATIONS**

Mr. Agogliati has authored the following publications:

- Article: “Fairness Opinions & Solvency Opinions Explained”  
Finance Monthly Magazine, April 2022.
- Article: “Tag-Along and Drag-Along Rights: A Valuation Analyst’s View”  
Law360, co-author, May 12, 2015.
- Article: “Court Points the Way on Two Critical Issues in Quantifying Damages”  
Berdon of Proof, Volume 8, co-author, Number 1, 2009.
- Presentation: “Valuation — Art or Science? From an Appraiser Point of View”  
45th Annual Estate Planning Institute, September 2014.

## **TESTIMONY**

Mr. Agogliati has been a designated expert in 30+ matters throughout his career and has been involved in hundreds of cases as a consultant. Mr. Agogliati has provided deposition testimony and trial testimony to both judges and juries in Federal Courts, State Courts and before arbitration panels. Mr. Agogliati has served as an expert witness in both New York and New Jersey, in addition to Kansas, Massachusetts, Georgia, Connecticut, Nevada, Florida, Illinois, and Nebraska. Below is a listing of matters whereby Mr. Agogliati has supplied expert reports and/or testimony:

- Valufinder Group, Inc. v. Lincolnshire Management, Inc.  
American Arbitration Association (Case: 13-489-Y-01794-06 01 HACO-C)
- El Latino Corporation v. Sanyo North America Corporation and Sprint Nextel Corporation  
District Court, Sedgwick County, Kansas (No. 08-CV-1698)
- Horns Inc. and Francine Horn v. Geller, Marzano & Company CPA’s, P.C. and Dean Hernan  
Supreme Court of the State of New York, County of New York (No. 113883-05)
- Wall Street Source, Inc. v. Thomson Financial, LLC et al.  
Supreme Court of the State of New York, County of New York (No. 601586/09)
- Ram Potti et al. v. Jubilant Life Sciences Ltd., et al.  
American Arbitration Association (International Center for Dispute Resolution)  
(Case No. 50 122 T 00072 12)
- B.D. Estate Planning Corp. v. Marcy Trachtenberg, as Trustee of the Ellis Limquee Family Insurance Trust and Carolyn Limquee  
Supreme Court of the State of New York, County of New York (No. 11-651006)
- Don Lia Mobile Management, Inc., et al. v. Environmental Compliance Services, Inc., et al.  
Commonwealth of Massachusetts, Superior Court C.A. (No. 09-00140-A)
- Elsie Jeanty and Frantz Jeanty v. Kenneth P. Morelli  
Supreme Court of the State of New York, County of Suffolk (No. 007723/2008)

**EXPERT REPORTS AND TESTIMONY (continued)**

- Bodum USA, Inc. v. Nils Goran Lindblad and Design House Stockholm, Inc.  
Supreme Court of the State of New York, County of New York (No. 111656/09)
- Diane Thomas and Jacqueline Hassett et al. v. William A. Mallins  
Supreme Court of the State of New York, County of Suffolk (No. 15898-2010)
- Kason Industries, Inc. v. Component Hardware Group, Inc.  
United States District Court, Northern District of Georgia (Atlanta Division)  
(Civil Action File No. 3:13-cv-12-TCB)
- Dorsey R. Gardner et al. v. The Major Automotive Companies, Inc. et al.  
United States District Court, Eastern District of New York  
(Civil Action File No. 11-CV-1664 (FB)(VMS))
- Maddjack Enterprises, LLC (d/b/a Philstockworld.com) v. Neil Della Torre, James Becher, Rachel Votto, Becher, Della Torre, Gitto & Company, P.C., and BDG Information Systems, LLC  
Superior Court Of New Jersey, Bergen County: Law Division (No: L-7539-12)
- Nador Group, Inc. v. Tarter Krinsky & Drogin LLP and Steven Troup  
Supreme Court of the State of New York, County of New York (No: 103671/10)
- Joseph J. Sisca, Jr., Charles A. Sisca, No Train II, LLC and No Train III LLC v. John F. Gizzi, Raymond Gizzi, Richard Gizzi, Jr., Leann Gizzi Davis, Kristen N. Flynn, Esq., and Litchfield Crossing LLC  
Supreme Court of the State of New York, County of Westchester (No. 64451/2014)
- Wedbush Securities, Inc. et al. v. The Major Automotive Companies, Inc. et al.  
District Court, Clark County, Nevada (Case No. A-14-695923-B)
- Ann Blanco et al. v. Charles J. Stickney et al.  
Supreme Court of the State of New York, County of Suffolk (Case No. 24215/2012)
- Northeast Builders Supply & Home Centers, LLC v. Member Insurance, Inc. and Pennsylvania Lumbermens Mutual Insurance Company  
United States District Court, District of Connecticut (Case No. 3:15-CV-005)
- Maryam Khansari, Maria Kumagay, Iby DeGeorge-Gearey and Maria Daidone, on behalf of themselves and all others similarly situated, v. St. Barnabas Hospital  
United States District Court, Southern District of New York (Case No. 15-CV-1803)

**EXPERT REPORTS AND TESTIMONY (continued)**

- Saunders Ventures, Inc., d/b/a Saunders & Associates v. Meg Salem a/k/a Margaret Salem  
United States District Court, Eastern District of New York (Case No. 15-CV-06925)
- Jacoby Donner, P.C. v. Aristone Realty Capital, LLC, Todd M. Lippiatt and Patrick McGrath  
United States District Court, Eastern District of Pennsylvania (Case No. 17-CV-002206)
- Capstone Logistics Holdings, Inc., Capstone Logistics, LLC, and Pinnacle Workforce Logistics, LLC v. Pedro Navarrete, David Poffenberger, Steven Willis, Mario Rojas, and Humano LLC  
United States District Court, Southern District of New York (Case No. 17-CV-4819)
- Reuben David, DDS v. Sidney Sternberger, DMD and Old County Dental, P.C., n/k/a Dental Symmetry P.C.  
Supreme Court of the State of New York, Suffolk County (Case No. 611661/2016)
- Gibbs & Cox, Inc. v. Gulf Island Shipyards, LLC  
The Tribunals of the International Chamber of Commerce
- Adam R. Herink v. Bluestem Energy Solutions, LLC  
District Court, Douglas County, Nebraska (Case No. CI-20-3758)
- Cline Avenue Bridge, LLC v. Figg Bridge Builders, LLC  
American Arbitration Association, Chicago, Illinois (Case No. 01-20-0010-8384)
- Onemata Corporation v. Ashfaq Rahman and Sabira Arefin  
United States District Court, Southern District of Florida (Case No. 20-62002-CIV)
- Dimitrios Avgoustides, a shareholder of Mesta Renovation, Inc., suing in the right of Mesta Renovation, Inc., vs. Mesta Renovation, Inc., Kanaris Contracting Corp., George Almiroudis, George Almiroudis, Jr., and New York Commercial Bank a/k/a New York Community Bank  
Supreme Court of the State of New York, County of Queens (Case No. 705626/2016)
- Coordination Proceeding Special Title (Rule 3.550): Gilead Tenofovir Cases  
Judicial Council Coordination Proceeding (JCCP) No. 5043 (Case No. CJC-19-005043)
- In RE: the Marriage of: Amy L. Barkau v. Richard J. Barkau  
State Illinois in the Circuit Court of the 17th Judicial Court, County of Winnebago  
(Case No. 2019-D-0000424)
- PeopleStrategy, Inc. and Checkpoint HR LLC v. Lively Employer Services, Inc. et al.  
United States District Court, District of New Jersey (Case No. 3:20-CV-02640)

**EXPERT REPORTS AND TESTIMONY (continued)**

- Briteforce, Inc. vs. On-Line Security Systems, LLC d/b/a Metro Enforcement and Merchants Police, Dennis A. Wysong, Laurence L. Hodges, Thomas B. Ragsdale, and Chandler Anderson  
State of Illinois, In the Circuit Court of the 17th Judicial Circuit, County of Winnebago  
(Case No. 2014 L 65)
  
- Ted Ross as Trustee of the Ted Ross Trust dated February 18, 1992 vs. Dennis A. Wysong, Chandler Anderson, Laurence L. Hodges, and Thomas B. Ragsdale  
State of Illinois, In the Circuit Court of the 17th Judicial Circuit, County of Winnebago  
(Case No. 2015 L 394)
  
- Yllie Luari v. Acadia Town Line, LLC and Susaya Construction Company Inc.  
Superior Court J.D. of New Britain at New Britain  
(Case No. HHB-CV-21-6063369-S)
  
- Soelect, Inc. v. Hyundai America Technical Center, Inc.  
United States District Court, Norther District of Illinois (Eastern Division)  
(Case No. 1:22-CV-01342)