

John D. Agogliati III, CFA, ASA

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 the field of commercial damages and/or business valuation, 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 over 45 matters and has appeared as an expert at several 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.

AWARDS

Mr. Agogliati was named 2024 Financial Valuation Expert of the Year by Finance Monthly (F.M. Global Awards, 2024).

PUBLICATIONS

Mr. Agogliati has authored the following publications:

- Article (Co-Author): “Unveiling the Power of Fairness Opinions: Adding Independence and Transparency to Corporate Transactions” Finance Monthly Magazine, August 2023.
- Article: “Fairness Opinions & Solvency Opinions Explained” Finance Monthly Magazine, April 2022.
- Article (Co-Author): “Tag-Along and Drag-Along Rights: A Valuation Analyst’s View” Law360, 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.

EXPERT REPORTS AND TESTIMONY

Mr. Agogliati has been a designated expert in 45+ 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)

EXPERT REPORTS AND TESTIMONY (continued)

- Elsie Jeanty and Frantz Jeanty v. Kenneth P. Morelli
Supreme Court of the State of New York, County of Suffolk (No. 007723/2008)
- 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, Northern District of Illinois (Eastern Division)
(Case No. 1:22-CV-01342)
- Parc 56 LLC v. Board of Managers of the Parc Vendome Condominium and Bradford Winston, as President of the Board of Managers of the Parc Vendome Condominium
Supreme Court of the State of New York, County of New York
(Case No. 653550/2021)
- Chung Tai Printing (China) Co Ltd. v. Florence Paper Corp, Steven Shamah, Vivian Shamah, Ronald Shamah, Sari Shamah, and Isaac Shamah
Supreme Court of the State of New York, County of New York
(Case No. 651101/2019)
- John Hunter Dale d/b/a Griswold Homecare of Baton Rouge v. Griswold International, LLC
American Arbitration Association,
(Case No. 01-23-0000-2034)
- Riccardo Chevannes and Joseph Hernandez vs. Home Box Office, Inc. and IDX System Technology, Inc.
Home Box Office vs. IDX System Technology, Inc.
Supreme Court of the State of New York, County of Ulster
(Case No. EF2019-2994)
- IDX System Technology, Inc. vs. Tocad Energy Co., Ltd.
Paul S. Roman vs. Home Box Office, Inc. and IDX System Technology, Inc.
Supreme Court of the State of New York, County of Ulster
(Case No. EF2020-942)

EXPERT REPORTS AND TESTIMONY (continued)

- IDX System Technology, Inc. vs. Tocad Energy Co., Ltd.
613 Automotive Group, LLC vs. Calling Grace Productions, LLC
Calling Grace Productions, LLC vs. IDX System Technology, Inc.
IDX System Technology, Inc. vs. Tocad Energy Co., Ltd.
Supreme Court of the State of New York, County of Ulster
(Case No. EF2020-1346)
- Fireman’s Fund Insurance Company a/s/o Calling Grace Productions, LLC and Calling Grace
Productions, LLC vs. IDX System Technology, Inc.
IDX System Technology, Inc. vs. Tocad Energy Co., Ltd.
Supreme Court of the State of New York, County of Ulster
(Case No. EF2021-1084)
- Scottsdale Insurance Company a/s/o 613 Automotive Group, LLC,
vs. Calling Grace Productions LLC and IDX System Technology, Inc.
IDX System Technology, Inc., vs. Tocad Energy Co., Ltd.
Supreme Court of the State of New York, County of Ulster
(Case No. EF2021-1140)
- Liberty Mutual Fire Insurance Company a/s/o Richard Pratti vs.
613 Automotive Group, Calling Grace Productions, LLC and
IDX System Technology, Inc.
Supreme Court of the State of New York, County of Ulster
(Case No. EF2021-1084)
- Seneca Insurance Company Inc., a/s/o 613 Automotive Group, Inc., 613 Auto Holdings LLC and
613 Monticello Holdings LLC., vs.
Calling Grace Productions, LLC and IDX System Technology, Inc.
IDX System Technology, Inc. vs. Tocad Energy Co., Ltd.
Supreme Court of the State of New York, County of Ulster
(Case No. EF2021-2704)
- In Re: Estate Of Virgil John Cuculici, Deceased
In The Circuit Court of The Thirteenth Judicial Circuit, for Hillsborough County, Florida
Probate, Guardianship & Trust Division
- Home Trade USA LLC vs. Medora Snacks, LLC, Pepsico, Inc. and Abjo Realty Corp.
Supreme Court of the State of New York, County of Kings
(Case No. 523198/2023)

EXPERT REPORTS AND TESTIMONY (continued)

- The George S. Kaufman Charitable Foundation et al. v. Thomas D. Kearns et al.
Supreme Court of the State of New York, New York County
(Case No. 155065-2020)

- Andrew Sciocchetti v. Village of Menands and Sgt. Aaron St. Gelais
Supreme Court of the State of New York, Albany County