



GRIFFING
GROUP

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CURRICULUM VITAE: William P. McNerney, ASA

PROFESSIONAL EXPERIENCE

William P. McNerney, ASA is a Principal at the Griffing Group. Mr. McNerney provides valuation and damages analyses for purposes of commercial litigation, shareholder disputes, estate and gift tax reporting and disputes, employee stock ownership plan compliance, ERISA litigation, and marital dissolution. He is credentialed by the American Society of Appraisers as an Accredited Senior Appraiser (ASA), certified in Business Valuation.

Since joining the firm in 2007, Mr. McNerney has provided expert reports and litigation support for matters heard in a variety of jurisdictions, including United States District Court, United States Tax Court, the Delaware Court of Chancery, New York State Supreme Court, the Superior Court of New Jersey, the American Arbitration Association, and other state, district, and county courts in California, Illinois, Oklahoma, Texas, and Wisconsin. He has also provided analysis and consulting in valuation disputes with the Internal Revenue Service at the audit and appeals levels.

Mr. McNerney's experience covers a wide range of industries, including food and beverage manufacturing and distribution, financial services, energy, chemicals, building materials, communications, retail, real estate, mechanical parts, software, technology, and others.

EXPERT ENGAGEMENTS

United States District Court

Northern District of Illinois, Eastern Division

- Erik Miller v. Dale Hastert and U R, Inc.
Case No. 2021-cv-02143 / 2022
 - Provided an expert report regarding the fair value of a nutritional supplement company in connection with a shareholder dispute.

State of Wisconsin

Circuit Court for Dane County

- In Re: the Marriage of V.E.K. and R.D.K.
Case No. 20 FA 2018 / 2021
 - Provided an expert report regarding the fair market value of a company that provides employee rewards, for purposes of a marital dissolution.



LITIGATION SUPPORT EXPERIENCE

United States District Court

District of Delaware

- Air Products and Chemicals, Inc. v. Eric P. Wiesemann, et al.
Case No. 1:14-cv-01425-SLR / 2015-2016
 - Provided analysis regarding the economic damages (if any) that resulted from alleged breaches of representations and warranties contained in the merger agreement that governed the sale of a liquid carbon dioxide manufacturing company.

Eastern District of Texas, Sherman Division

- Jessica Casey, on behalf of the RVNB Holdings, Inc. Employee Stock Ownership Plan v. Reliance Trust Company
Case No. 4:18-cv-00424-ALM-CMC / 2019
 - Provided analysis regarding the value of a national moving company in connection with this ERISA lawsuit brought by ESOP participants following the sale of the company to its ESOP.

Eastern District of Wisconsin, Milwaukee Division

- Nancy Dewey, et al. v. Kurt Bechthold, et al.
Case No. 2:18-cv-01739 / 2019
 - Provided analysis regarding the values of two civil engineering and road construction companies in connection with a shareholder dispute.

Northern District of Illinois, Eastern Division

- Anthony Puntillo and Mary Carol Puntillo v. Dave Knecht Homes, LLC, et al.
Case No. 1:15 CV 11839 / 2018
 - Provided valuation and solvency analyses regarding a custom home building company in connection with a fraudulent conveyance dispute.

State of Delaware

Delaware Court of Chancery

- Restanca, LLC et al. v. House of Lithium, Ltd.
C.A. No. 2022-0690-PAF / 2022
 - Provided analysis regarding economic damages alleged by certain shareholders of urban mobility provider Reby Inc., in connection with litigation regarding disputed stock purchase agreements.



- In Re Globe Specialty Metals, Inc. Stockholders Litigation
C.A. No. 10865-VCG / 2015
 - Provided analysis regarding economic damages incurred in the stock-for-stock merger of Globe Specialty Metals, Inc. and Grupo FerroAtlántica, S.A.U.

- In Re Physicians Formula Holdings, Inc. Shareholder Litigation
Consol. C.A. No. 7794-VCL / 2014-2015
 - Provided analysis regarding the value of cosmetics company Physicians Formula in connection with this lawsuit regarding fiduciary duties that company directors allegedly breached in approving the sale of the business.

- LongPath Capital, LLC v. Ramtron International Corporation
C.A. No. 8094-VCP / 2014-2015
 - Provided analysis related to this appraisal case concerning the fair value of Ramtron International Corp., a semiconductor company.

- In Re Safeway Inc. Stockholders Litigation
C.A. No. 9445-VCL / 2014
 - Provided analysis regarding the value of a settlement that included changes to the terms of contingent value rights offered as part of the consideration in the acquisition of Safeway, a national grocery retailer.

- Frank G. Pilkiewicz, Ph.D., et al. v. Transave, LLC
C.A. No. 6319-CS / 2013-2014
 - Provided analysis related to this appraisal case concerning the fair value of Transave, LLC, a biopharmaceutical company.

- In Re Google Inc. Class C Shareholder Litigation
Consol. C.A. No. 7469-CS / 2012-2013
 - Provided economic damages analysis related to a motion to enjoin Google's issuance of a new class of nonvoting shares.

- In Re TPC Group, Inc. Shareholders Litigation
C.A. 7865-CS / 2012-2013
 - Provided economic damages analysis related to a motion to enjoin the acquisition of petrochemical company TPC Group, Inc. by First Reserve Corp. and SK Capital Partners.

- Edgewater Growth Capital Partners, L.P., et al. v. H.I.G. Capital, Inc., et al.
C.A. 3601-CS / 2012
 - Provided analysis regarding the fair market value of Pendum, LLC, an ATM servicing company.



- New Jersey Carpenters Pension Fund v. infoGROUP, Inc., et al.
C.A. No. 5334-VCN / 2011-2013
 - Provided analysis regarding the fair value of infoGROUP, Inc., a marketing services and data company.
- In Re El Paso Corporation Shareholder Litigation
C.A. 6949-CS / 2011-2012
 - Provided valuation and economic damages analysis related to a motion to enjoin the acquisition of natural gas company El Paso Corp. by Kinder Morgan, Inc.
- Viamericas Corp., et al. v. MicroVest I, L.P., et al.
C.A. No. 6741-VCL / 2011
 - Provided damages analysis regarding the economic impact of tag-along rights on an institutional shareholder's attempted sale of its equity interest in Viamericas Corp., a money transfer services company.
- In Re Massey Energy Co. Derivative and Class Action Litigation
Consol. C.A. No. 5430-VCS / 2011-2012
 - Provided valuation and economic damages analysis related to a motion to enjoin the acquisition of coal company Massey Energy Co. by Alpha Natural Resources, Inc.
- In Re Novell, Inc. Shareholder Litigation
C.A. No. 6032-VCN / 2011-2013
 - Provided valuation analysis related to a motion to enjoin the acquisition of software company Novell, Inc. by Attachmate Corp.
- In Re Hanover Direct, Inc. Consolidated Shareholders Litigation
Consol. C.A. No. 1969-CC / 2009
 - Provided valuation analysis for this hybrid entire fairness/appraisal action regarding the fair value of Hanover Direct, Inc., a retailer of clothing and home goods.
- In Re TD Banknorth Shareholders Consolidated Litigation
C.A. No. 2557-VCL / 2008-2009
 - Provided analysis for the appraisal action brought by shareholders of TD Banknorth, which was acquired by its controlling shareholder, TD Bank.
- In Re Loral Space and Communications Inc. Consolidated Litigation
C.A. No. 2808-VCS / 2007-2008
 - Provided analysis related to this fiduciary duty case brought by shareholders of satellite company Loral Space and Communications, Inc., who alleged that a convertible preferred stock transaction between the company and its largest shareholder did not meet the entire fairness standard.



- SLM Corporation, Inc. v. J.C. Flowers II, L.P., et al.
C.A. No. 3279-VCS / 2007
 - Provided analysis regarding a material adverse effect clause that was disputed in the acquisition of financial services company Sallie Mae.

State of Illinois

Circuit Court of Cook County

- Blackhawks 2010, Inc. (f/k/a The Higher Gear Group, Inc.) v. Jeffrey Wulbert
No. 10 CCH 54790 / 2010-2013
 - Provided analysis regarding the fair value of The Higher Gear Group, a customer management software firm, in connection with this shareholder dispute.
- Robert E. Reilly, Jr. v. DHR International, Inc., et al.
No. 2005 L 008700 / 2012
 - Provided analysis regarding the fair market value of executive search firm DHR International Inc. in connection with this shareholder dispute.
- Burke v. McNally, et al.
No. 04-L-12109 / 2010-2011
 - Provided analysis regarding the fair market value of a private equity firm in connection with this shareholder dispute.
- Michael Benson, et al. v. John S. Stafford, Jr.
No. 04-L-010671 / 2009
 - Provided analysis regarding economic damages incurred as a result of the sale of options trading firm.

American Arbitration Association

- Albany Bank and Trust Company v. David Tessler, et al.
AAA Case No. 511480063508 / 2008-2009
 - Provided analysis regarding the fair value of a commercial bank in connection with this shareholder dispute.

State of New Jersey

Superior Court of New Jersey, Hudson County, Chancery Division

- In Re Pamrapo Bancorp Shareholder Litigation
Docket No. C-89-09 / 2013
 - Provided analysis regarding the fair market value of Pamrapo Bancorp, Inc.



State of New York

Supreme Court of the State of New York

- DC Chemical Co., Ltd. v. Columbian Chemicals (Cayman) Holdings, Ltd., et al. 2009
 - Provided economic analysis regarding a material adverse effect clause that was disputed in the acquisition of an industrial chemicals company.

State of Oklahoma

District Court of Stephens County

- James M. Ferguson, et al. v. J.R. Montgomery Bancorporation No. CJ-2010-363R / 2010-2013
 - Provided analysis regarding the fair value of J.R. Montgomery Bancorporation.

State of Texas

District Court of Harris County

- In the Matter of the Marriage of R.E.D. and S.C.D. 2010
 - Provided analysis regarding the fair market value of a large gasoline and convenience store chain in connection with this marital dissolution.

Internal Revenue Service

Office of Appeals

- Michigan, 2022: Provided valuation analysis for an estate tax inquiry involving the pass-through tax status of a multinational retailer.
- Pennsylvania, 2021: Provided valuation analysis for an estate tax inquiry involving the valuation of a noncontrolling interest in an eight-location dental practice.
- Pennsylvania, 2018: Provided valuation analysis for multiple gift tax disputes regarding the value of voting and nonvoting stock and warrants of a steel company and a related Interest-Charge Domestic International Sales Corporation (IC-DISC).
- California, 2017: Provided valuation analysis for a gift tax dispute regarding the value of an equity interest of a software development company.
- Illinois, 2012-13: Provided valuation analysis for an estate tax dispute regarding the value of a securities trading firm.
- Illinois, 2011-14: Provided valuation analysis for a gift tax dispute regarding the value of an equity interest in a company that provides remanufacturing and warranty service to the automotive industry.



ACADEMIC & PROFESSIONAL CREDENTIALS

- Accredited Senior Appraiser (Business Valuation), American Society of Appraisers
- Bachelor of Science, Agribusiness Management, Purdue University, 2007

PUBLICATIONS

- The Lawyer's Business Valuation Handbook, "Chapter 23: Shareholder and Partner Disputes," American Bar Association, 2024 (co-author with David G. Clarke, ASA and Elise Scoles)
- "Valuing C Corps and Pass-Through Entities Under the TCJA," *AIRA Journal*, Association of Insolvency & Restructuring Advisors, Volume 37, No. 2, May 2024 (co-author with Daniel R. Van Vleet).
- "Alternate Valuation Methods in the Era of COVID-19," *Business Valuation Update*, Vol. 26, No. 6., June 2020 (co-author with Daniel R. Van Vleet, Joseph W. Thompson, and David J. Neuzil).
- "Valuing C Corps and Pass-Through Entities under the New Tax Law," *Business Valuation Review*, American Society of Appraisers, Volume 37, Issue 1, Spring 2018 (co-author with Daniel R. Van Vleet).

PRESENTATIONS

- "Major Court Decisions and Tax Sunset Provisions: New and Noteworthy Developments in the Valuation of S Corporations," Business Valuation Association, May 16, 2024 (co-presenter with Daniel R. Van Vleet).
- "Major Court Decisions and Tax Sunset Provisions: New and Noteworthy Developments in the Valuation of S Corporations," national webinar hosted by Business Valuation Resources, March 26, 2024 (co-presenter with Daniel R. Van Vleet).
- "Recent Developments Impacting the Valuation of S Corporations," *2023 Business Valuation and Financial Litigation Super Conference* hosted by the National Association of Certified Valuation Analysts, December 14, 2023 (co-presenter with Daniel R. Van Vleet).
- "COVID-19 and the TCJA – Impact on the Valuation of C Corps and Pass-Through Entities," *2020 Business Valuation and Financial Litigation Virtual Super Conference* hosted by the National Association of Certified Valuation Analysts, June 19, 2020 (co-presenter with Daniel R. Van Vleet).



COMMUNITY ACTIVITY

- Collaboration for Early Childhood
Member, Partnership Board, 2024 – present

- Sarah's Inn, a non-profit organization working to break the cycle of domestic violence
Member, Board of Directors, 2019 – 2022
Member, Associate Board, 2013 – 2019 (President, 2015 – 2017)