

Cases Where Expert Assistance Was Provided

Recent and current cases where Mr. Klein has served as an expert include:

Date	Topic	Description	Case Name
Sept. 2010	Promissory notes	An expert report addressed whether promissory notes are securities, what registration requirements needed to be met, whether false statements and omissions were material, and the liability of an attorney who facilitated sales of the notes.	<i>Capital Funding and Consulting v. Bernhardt</i> , Richmond Circuit Court, Virginia
Sept. 2010	Participation note	An expert report provided an opinion that a promissory note providing for the payment of interest and a share of profits is a security, that registration and licensing were required, that false statements and omissions were material, and that sellers, company managers and those who aided in the investment program were liable.	<i>U.S. Bank v. Lake Hazelwood</i> , No. 08-10268, Third Dist. Court, Idaho
Dec. 2009	Duties owed by broker-dealer	Prepared a confidential expert report regarding the failures of a broker-dealer in managing an offshore trust, the firm's document retention duties, and the firm's liability for failing to get the trust amended in a timely manner. <i>The case settled in January 2010.</i>	<i>Javier Alatorre Tapia v. Salomon Smith Barney</i> , No. 20084220, Ariz. Superior Court, Pima County.
Oct. 2009	Auction rate securities	Served as a consulting expert, assisting a claimant in a FINRA arbitration against a broker-dealer. I analyzed the auction rate securities and consulted with the claimant on the extent to which the securities agent failed to give proper disclosures, the firm used misleading account statements, and the sales were unsuitable. <i>The case settled in December 2009.</i>	<i>Confidential</i> , FINRA Arbitration No. 08-009XX, Miami, FL
July 2009	Condo-hotel investments	Served as a consulting expert in litigation and mediation regarding whether condo-hotel units in Las Vegas were marketed in a manner making them securities and giving an opinion on the adequacy of disclosures made in connection with the sales of units.	<i>Confidential Private Arbitration</i> , Las Vegas, NV.
2009	Condo-hotel investments	Serving as a consulting expert in federal litigation alleging that condo-hotel investments are securities and were sold using misrepresentations and omissions. <i>The case is on appeal.</i>	<i>Alunni v. Development Resources Group</i> , No. 6:08-cv-1349 (M.D. Fla).

Dec. 2008	Sales of hedge fund interest	Testified in a FINRA arbitration regarding the due diligence duties of an investment adviser when selling interests in a hedge fund and what disclosure must be given to investors if a prior fund had been ordered closed by regulators.	<i>Ward v. Associated Securities</i> , FINRA Arbitration No. 07-02944, Los Angeles, CA
July 2008	Sales of unsuitable securities by investment adviser	Served as a consulting expert in a FINRA arbitration action alleging that a registered investment adviser sold securities through the use of deception and fraudulent practices and used funds for improper purposes.	<i>Smith v. Belsen Getty</i> , Private arbitration, Salt Lake City, UT
May 2008	Stock manipulation	Served as a consulting expert in litigation to recover stock granted to consultant who failed to disclose prior criminal securities conviction.	<i>Source Direct Holdings v. Integritas</i> , Civ. No. 050921794 (Third. Dist. Utah)
December 2006	Fraudulent practices	Witness for State of Utah in criminal preliminary hearing regarding allegations of fraudulent practices. <i>Defendant was bound over for trial and later pled guilty.</i>	<i>State v. Jenson</i> , No. 051905391 (Third. Dist. Utah).