



**Fenix Financial Forensics LLC**  
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## David B. Weekly, CPA, CFE, CIRA, CFF, CICA

David Weekly is a Senior Managing Director for Fenix Financial Forensics LLC (F3) and is based in Phoenix, Arizona. Mr. Weekly's experiences include expert witness testimony on a wide range of commercial damage issues in U.S. district, state and bankruptcy courts and in arbitration and mediation, with particular emphasis on accounting and financial issues, commercial disputes, construction claims, lender liability and investigations of fraud matters.

Mr. Weekly has additional expertise with complex financial investigations, contract compliance, theft and misappropriation of assets, bankruptcy, and workout services. He has conducted numerous investigations in connection with failed companies, including evaluating financial reporting controls and causes of business failure. These investigations typically require the assessment of a business enterprise or an alleged scheme, the quantification of losses or diverted funds, and the identification of potentially responsible parties.

Mr. Weekly's industry experience includes construction, financial services, banking, commodities, distribution, mining, real estate, healthcare, insurance, multilevel marketing and retail bowling centers.

Prior to establishing F3, Mr. Weekly was a member of the national Forensic and Litigation Consulting team for FTI Consulting, Inc. He was also the partner-in-charge of KPMG's U.S. Dispute Advisory Services practice. Before joining KPMG, Mr. Weekly served as the worldwide director of Litigation Services, partner-in-charge of the U.S. Complex Claims and Events practice and partner-in-charge of National Law Firm Relationships for Arthur Andersen LLP.

Mr. Weekly has been a frequent speaker at conferences on such topics as expert witness issues, damage analysis, construction claims and alternative billing methods. In addition, he is the founder of the Arizona Corporate Counsel Forum, which hosts meetings quarterly on topics of interest to Arizona corporate counsel. Mr. Weekly also serves on the professional advisory board of Arizona State University's School of Accountancy.

### Professional History

Fenix Financial Forensics LLC ("F3") - Senior Managing Director – Phoenix, AZ (10/08 – Present)

Independent Contractor - FTI Consulting, Inc. - Phoenix, AZ (9/06 – 9/08)

FTI Consulting, Inc. – Senior Managing Director, National Forensic and Litigation Consulting Leadership Team member and Forensic Services leader for Western and Central Regions – Phoenix, AZ (11/03 – 9/06)

KPMG LLP – Partner in Charge of U.S. Dispute Advisory Services Practice – Phoenix, AZ (05/02 – 10/03)

Arthur Andersen LLP – Partner in Charge of National Law Firm Relationships and Arizona Claims and Disputes Practice – Phoenix, AZ (09/01 – 05/02)

Arthur Andersen LLP – Partner in Charge of Business Consulting (Desert Southwest) and Partner in Charge of Pacific Region Claims and Disputes Practice – Phoenix, AZ (02/00 – 08/01)

Arthur Andersen LLP – Firmwide Director of Litigation Services and Partner in Charge of the U.S. Complex Claims and Events Practice – Phoenix, AZ (09/95 – 09/00)

Arthur Andersen LLP – Partner in Charge of Strategy, Finance & Economics (SFE) in the Desert Southwest – Phoenix, AZ (08/88 – 02/00)

Arthur Andersen LLP – Manager, Litigation & Bankruptcy Consulting; Audit Manager – Phoenix, AZ (11/84 – 08/88)

North American Coin & Currency, Ltd. (Public Company – Reorganized) – Executive Vice President, Secretary and Treasurer. Also served as General Manager for Court Appointed Trustee from September 1982 through November 1983. Acquired Series 7, 24 and 63 Securities licenses and acted as Principal for NASD Broker/Dealer operation formed during reorganization – Phoenix, AZ (09/82 – 11/84)

North American Coin & Currency, Ltd. – Controller – Phoenix, AZ (04/80 – 09/82)

Arthur Andersen LLP – Audit Division Senior Accountant, Financial Institutions and Construction Industry emphasis – Phoenix, AZ (12/76 – 04/80)

United States Navy (Vietnam veteran) – (05/70 – 05/74)

### **Certifications**

Certified Public Accountant (Arizona and Missouri)

Certified Fraud Examiner

Certified Insolvency and Restructuring Advisor

Certified in Financial Forensics

Certified Internal Controls Auditor

### **Professional Affiliations**

American Institute of Certified Public Accountants

Arizona Society of Certified Public Accountants

Assn of Certified Fraud Examiners

American Bankruptcy Institute

Professional Advisory Board, ASU School of Accountancy

Assn of Insolvency and Restructuring Advisors

American Bar Assn Litigation Section, Associate Member and former Co-Chair of Corporate Counsel Subcommittee on Expert Witnesses

The Institute for Internal Controls

### **Education**

Bachelors of Science in Accounting, Arizona State University (1976)

### Civic Affiliations

Served on two Maricopa County Bar Association committees to recommend judicial salaries in Arizona

Served on Board of Directors and Executive Committee – Junior Achievement of Arizona

Served on Valley Citizens League

Prior consulting to Team USA Bowling and YABA

Previously coordinated/coached numerous youth activities

### Publications & Presentations

- “Maximizing the Value of Intellectual Assets,” Co-Counsel/The Corporate Counselor, January 2002
- “How to Measure the True Cost of Litigation and How to Effectively Control These Costs,” Co-Counsel/The Corporate Counselor, October 2001
- “Is Preventive Lawyering Worth the Trouble—Perspectives from the General Counsel and CEO,” Co-Counsel/The Corporate Counselor, May 2001
- “The War for Talent and How to Compete,” Counsel/The Corporate Counselor, January 2001
- “How the General Counsel Enhances Shareholder Value,” Co-Counsel/The Corporate Counselor, February 2000
- “Alternative Billing: There’s Lots of Smoke—But Is There Fire?,” American Bar Association, Section of Litigation, 16th Annual Committee on Corporate Counsel Mid-Winter Meeting, Subcommittee Workshop, February 1998
- “Accounting Issues—Management and Claims,” CLE International, Construction Law & Practice Conference, December 1997
- “Legal Technology—Evolution and Market Trends, and Corporate Counsel Trends—1997 Update,” The 64th Annual State Bar of Arizona Convention, June 1997
- “Expert Disclosure: From Soup to Nuts,” American Bar Association, 1997 Section of Litigation Annual Meeting, Plenary Session, April 1997
- “Managing Experts and Expert Related Costs,” American Bar Association, Section of Litigation, 15th Annual Committee on Corporate Counsel Mid-Winter Meeting, Subcommittee Workshop, February 1997
- “Corporate Counsel Trends: Thoughts and Technology,” The 63rd Annual State Bar of Arizona Convention, June 1996
- “Hi-Tech Courtroom and Client Presentations—Multi-Media Fanfare or Substance?” American Bar Association, Section of Litigation, 14th Annual Committee on Corporate Counsel Mid-Winter Meeting, Subcommittee Workshop: Litigation Technologies and Expert Witnesses, February 1996
- “The Role of the Expert Witness: Independent, Objective and Credible or Just a Hired Gun?” International Commercial Litigation, June 1995

- “The Science and Fiction of Billings—An Update of Arthur Andersen’s Arizona Corporate Counsel Survey,” The 62nd Annual State Bar of Arizona Convention, June 1995
- “The Science or Fiction of Billing,” Arthur Andersen/The General Counsel Advisor, Spring 1995
- “Environmental Insurance Coverage Claims,” The Super Seminar: Superfund, Environmental Compliance and Toxic Tort Liability, September 1994
- “The Time Machines: the Science & Fiction of Law Firm Billings,” The 32nd Annual Risk and Insurance Management Society, Inc. Conference, April 1994
- “Commercial Damages,” Maricopa County Bar Association Presentation, April 1994
- "Outlook For The Construction Industry in the 1990s," 1993 Wiley Construction Law Update, Chapter 1, by David B. Weekly and Wayne A. Tanner, Spring 1993
- "How To Implement Alternative Dispute Resolution Programs" seminar cosponsored with the U.S. Arbitration & Mediation of Arizona, Nevada and New Mexico, January 1993
- “Hard Proof of Soft Damages,” Construction Business Review, David B. Weekly and George Anthony Smith, October 1992
- “Recovering Lost Profits—Proving Claims for Lost Revenues, Lost Bonding Capacity and Lost Bidding Opportunities,” 1992 Smith, Currie & Hancock Construction Law Update Seminar, April 1992
- “Managing Construction Claims and Disputes,” Singapore International Arbitration Centre, March 1992
- “Cost Effective Alternatives for Minimizing Risks of Construction Claims,” Hong Kong Management Association, March 1992
- “Evaluation & Analysis of Construction Claims,” Bechtel and Waste-Management, Hong Kong, March 1992
- “Debtor/Creditor Relations: Pitfalls & Potholes,” Arizona Chamber of Commerce, September 1991
- "Understanding the Real Value of Financial Data," State Bar of Arizona, June 1991
- “Proving and Calculating Commercial (Phoenix) and Real Estate Damages including Lost Profits,” State Bar of Arizona Seminar, February 1991 (Phoenix), May 1991(Tucson)
- “Effective Utilization of Litigation Consultants, Financial Discovery Techniques and Proving Damages,” Lawyer's Winter Conference, Lender Liability and Bankruptcy, Growth Industries of the 1990's (Park City, Utah), February 1991
- “Proving Damages,” State Bar of Arizona, cosponsored with Molloy, Jones & Donahue, June 1990
- “Accountants Can Play Important Consulting Role in Litigation,” Phoenix Business Journal, March 1989

#### **Deposition and Testimony Experience**

- State of Arizona v. Texas Painter Craft, Inc., U.S. Bankruptcy Court of Austin – Western District of Texas, Testimony (1989)
- Celso Zamora, Jr., et.al., v. Prematic Service Corporation, U.S. District Court for the District of New Mexico, Deposition/Testimony (1989)
- Babbitt Ford Inc. v. The Arizona Bank, Superior Court of Arizona, Deposition/Testimony (1989)

- Alpine Ski Keller, Inc., Engaged by Debtor, U.S. Bankruptcy Court of Arizona, No. 90-12132, Testimony (1991)
- The Wild Rose Inc. v. Bancwest Service Corporation, Superior Court of Arizona, No. CV 89-01547, Deposition (1991)
- Connie Associates, Debtor, Engaged by Creditor – Puget Sound Savings Bank, U.S. Bankruptcy Court of Arizona, No. 89-05306, Testimony (1992)
- Hall Family Properties, Ltd., v. Gosnell Development Corporation, Superior Court of Arizona, No. CV 88-31032, Deposition/Testimony (1992)
- Precision Components Inc., Herbert W. Owens Jr. v. The Valley National Bank of Arizona, Superior Court of Arizona, No. CV 90-28051, Deposition (1992)
- Talley Industries Inc., Talley Defense Systems Inc., and Talley Automotive Products Inc. v. TRW Inc., U.S. District Court of Arizona (Arbitration), No. CV 89-1920, Deposition/Testimony (1992)
- Radnor/Land Grant – Orange Grove Partnership, Radnor/Orange Grove Corporation and Land Grant Development v. Saint Lawrence Holding Company, Compare Inc., Smitty’s Super Valu Inc., Superior Court of Arizona, No. CV-91-05944, Deposition/Testimony (1993)
- WEI/Urban, Inc. v. Pulice Construction, Inc., Three Member Panel Arbitration, Deposition (1993)
- The Brower Company and Federal Insurance Company v. Blount, Inc., U.S. District Court for the Western District of Washington, No. C 91-5361B, Deposition (1993)
- Paul D. Butt v. The E.F. Hutton Group, Inc. (Shearson Lehman Hutton), Arbitration, No. CV 89-29051, Testimony (1993)
- Milwaukee Constructors II v. Milwaukee Metropolitan Sewerage District and CH2M Hill Central, Inc., State of Wisconsin Circuit Court, No. 761-508 and 006-448, Deposition (Aug. 1994)
- Milwaukee Constructors II v. Milwaukee Metropolitan Sewerage District and CH2M Hill Central, Inc., Mediation (Piazza, San Francisco), No. 761-508 and 006-448, Testimony (Oct. 1994)
- Shaefer Ambulance Service, Inc. v. Douglas E. Smith, U.S. Bankruptcy Court of Arizona, No. B-94-10038, Testimony (July 1995)
- Talley Industries, Inc., et al v. TRW, Inc., U.S. District Court for the District of Arizona, No. CIV-89-1920-PHX-PGR, Deposition (1995)
- Yost Concrete, et al. v. Bank of America (Arizona), Superior Court of Arizona, No. CV 93-25250, Deposition/Testimony, (1996)
- Fru-Con Construction v. Southwestern Redevelopment Corporation, II, State of Missouri, City of St. Louis (Arbitration), No. 922-09239, Testimony (Oct. 1996)
- Sunshadow Landscaping, Inc. v. Pulice Construction, Inc., U.S. District Court of Arizona, No. CV-2103, Deposition/Testimony (1995 and 1997)
- Lucky Greens L.L.C. v. Irish Greens L.L.C., et. al., Three Member Panel Arbitration, Deposition/Testimony (1997)
- Central Arizona Water Conservation District (CAWCD) v. United States, U.S. District Court of Arizona, No. CIV 95-625-TUC-WDB, Deposition (1998)

- Reynolds & Reynolds Company v. Bataille, U.S. District Court – Southern District of Texas, No. Civil H-97-760, Deposition, (1998)
- Fallow, et al. v. Herbalife International, Inc., Superior Court of Arizona, No. CV 96-03558, Deposition/Testimony (1998)
- Beals v. Linthicum Constructors, Inc., American Arbitration Association, Deposition (1999)
- Park Electrochemical Corp. v. Delco Electronics Corp., US District Court of Arizona, No. CIV98-0777, Deposition/Testimony (2000)
- National Park Service (“NPS”) and Amfac Resorts LLC – Arbitration for determining the value of Possessory Interest, Three Member Panel Arbitration, NPS Concession Contract No. CC-GRCA001-69, Testimony (2000)
- FLCT Tower, LP and Financial Center v. UIDC Management, Inc. and UIDC of Texas, US District Court for the Southern District of Texas, Houston Division, No. H-00-1190, Deposition (2001)
- Clayco Construction Company, Inc. v. THF Carondelet Development, LLC, American Arbitration Association, Deposition/Testimony (2004)
- Lawrence J. Warfield v. Merrill Lynch, Pierce, Fenner & Smith Inc., et al, Superior Court of Arizona, County of Maricopa, Deposition (2004)
- Honeywell Technology Solutions Inc. v. L-3 Communications ESSCO and L-3 Communications Corporation, American Arbitration Association, Deposition/Testimony (2004/2005)
- Art J. Denardo v. Avnet, Inc., Superior Court of Arizona, County of Maricopa, Deposition (2005)
- Rose Marie Cohen, et al v. Merrill Lynch, Pierce, Fenner & Smith Inc. et al, Superior Court of Arizona, County of Maricopa, (2005)
- BOSTCO LLC v. Milwaukee Metropolitan Sewerage District, Circuit Court of Milwaukee County, State of Wisconsin (2005/2006)
- Kimberly Lord v Sunrider International, JAMS – Los Angeles Division, (2006)
- Peter Thimmesch et al. v Visitalk.com, Superior Court of Arizona, County of Maricopa, Deposition (2008)
- The Oaks v Blenheim Farms, Arbitration – Orange County (2008)
- YF Trust v JPMorgan Chase Bank N.A, US District Court for the District of Arizona, Deposition (2009)
- The Official Committee of Unsecured Creditors, on behalf of the Estate of Woodside Group, LLC, et al. v. Ezra K. Nilson, et al., United States Bankruptcy Court, Central District of California – Riverside Division, Testimony (2009)
- Balar Equipment Corporation v. VT LeeBoy, Inc., Arbitration – Charlotte, North Carolina (2010)
- Microgroup Manufacturing, Inc. et al. v. Sottera, Inc. et al., Superior Court of Arizona, County of Maricopa, Deposition/Testimony (2011)
- Alstom Transportation, Inc. v. BNSF Railway Company, Arbitration – Chicago, Illinois, Deposition/Testimony (2011)
- The Estate and Trust of John J. Doherty v. Sharon A. Doherty, Superior Court of Arizona, County of Maricopa, Deposition (2012)